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Ohio. Laws, statutes, etc.
Legislative acts.

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vol
1904

THE STATE OF OHIO.

General and Local Acts

PASSED

AND

JOINT RESOLUTIONS

Adopted

BY THE

SEVENTY-SIXTH GENERAL ASSEMBLY

At Its Regular Session.

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 4, 1904.

VOLUME XCVII.



SPRINGFIELD, OHIO:
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1904

GENERAL LAWS.

[House Bill No. 1.]

AN ACT

To amend section 1284 of the Revised Statutes as amended
May 12th, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Sec. 1284 of the Revised Statutes of Ohio as amended May 12th, 1902, be amended so as to read as follows:

Salaries of
state officers:

Sec. 1284. Annual salaries shall be allowed as follows: To the governor, eight thousand dollars; secretary to the governor, eight hundred dollars; executive clerk of the governor, fifteen hundred dollars; adjutant general, two thousand dollars; assistant adjutant general, fifteen hundred dollars; lieutenant governor, fifteen hundred dollars; judges of the supreme court and supreme court commission, six thousand dollars each; judges of the common pleas courts and of the superior courts, twenty-six hundred dollars each; secretary of state, two thousand dollars; treasurer of state, three thousand dollars; auditor of state, three thousand dollars; attorney-general, fifteen hundred dollars; state librarian, fifteen hundred dollars; assistant state librarian, twelve hundred dollars; law librarian, fifteen hundred dollars; assistant law librarian, one thousand dollars; superintendent of the deaf and dumb asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; assistant matrons of same, each three hundred and sixty dollars; physicians of same, five hundred dollars; superintendent of blind asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; superintendent of imbecile asylum, twelve hundred dollars; matrons and teachers of same, each four hundred dollars; superintendent of soldiers' and sailors' orphans' home, twelve hundred dollars; matrons of same, four hundred dollars; superintendents of hospitals, asylums for the insane and Ohio hospitals for epileptics, each two thousand dollars for the first year of service, and, for subsequent years of continuous service, an amount to be ascertained for each year by adding to two thousand dollars the sum of one hundred dollars for each preceding year of continuous service, provided the total amount so ascertained shall not exceed twenty-five hundred dollars for any year, which sum shall be the maximum limit of the total compensation which said superintendents may receive for any and all services

Salaries of
state and other
officers.

rendered in any capacity in and for said hospitals for the insane, provided the annual salaries of superintendents of asylums for the insane and Ohio hospitals for epileptics shall continue until the expiration of their present terms, respectively, twelve hundred dollars; stewards of asylums for the insane, and Ohio hospital for epileptics each twelve hundred dollars; matrons of same, each four hundred dollars; superintendents of boys' industrial school, twelve hundred dollars; matrons of same, four hundred dollars; superintendent of girls' industrial home, twelve hundred dollars; matron of same, four hundred dollars; clerk of supreme court, fifteen hundred dollars; and for services while acting as clerk of supreme court commission, five hundred dollars; chief deputy clerk of supreme court, thirteen hundred dollars; second deputy clerk of supreme court, eleven hundred dollars; commissioner of railroads and telegraphs, two thousand dollars; superintendent of insurance, two thousand dollars; inspector of mines, two thousand dollars; commissioner of labor statistics, two thousand dollars; supervisor of public printing, eighteen hundred dollars; and state commissioner of common schools, two thousand dollars.

Repeals.

SECTION 2. Said section 1284 as amended May 12, 1902, is hereby repealed.

SECTION 3. This act shall take effect and be in force on its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
H. L. GORDON,
President of the Senate.

Passed January 5, 1904.

I hereby approve the within bill this 6th day of January, 1904, at 3:10 o'clock p. m.

GEO. K. NASH,
Governor of Ohio.
IG

[House Bill No. 3.]

AN ACT

To amend sections 80, 108, and 1288 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Governor:

SECTION 1. That sections 80, 108 and 1288 of the Revised Statutes of Ohio be amended so as to read as follows:

Secretary and clerks.

Sec. 80. The governor may appoint a secretary, an executive clerk, a commission clerk and corresponding clerk.

Alphabetical index; filing.

Sec. 108. There shall be made and kept up an alphabetical index to each of said records, and all official papers shall be filed in boxes properly labeled and dated, to which boxes reference shall be made in the proper places in said

records. And a transcript of any entry in any record or of any official paper, kept as aforesaid, certified as correct by the secretary, executive clerk to the governor or commission clerk, under the great seal of the state of Ohio, shall be received as prima facie evidence of the facts, therein stated, in any court, or before any officer of the state.

Evidence.

Sec. 1288. The secretary to the governor shall, in addition to his salary, be entitled to all fees paid into the office of the governor for any purpose.

Secretary to governor shall have all fees in addition to salary.

SECTION 2. That said original sections 80, 108 and 1288 of the Revised Statutes of Ohio be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its constitutional enactment.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

H. L. GORDON,

President of the Senate.

Passed January 5, 1904.

I hereby approve the within bill this 6th day of January, 1904, at 3:15 o'clock p. m.

GEO. K. NASH,

Governor of Ohio.

2G

[Senate Bill No. 1.]

AN ACT

To provide for the appointment of the military staff of the governor, to provide for the compensation of certain officers thereof, to amend sections 98, 99, and 102, and to repeal sections 100 and 101 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 98, 99 and 102 of the Revised Statutes of Ohio, be amended so as to read as follows:

Governor:

Sec. 98. The staff of the governor shall consist of one adjutant general, of the grade of brigadier general, upon whom shall devolve the duties of quartermaster general; one assistant adjutant general, of the grade of colonel, and twelve aides-de-camp, all of whom shall be appointed by the governor and hold office during his pleasure, and whose term of office shall expire with the term of office of the governor appointing them. The aides-de-camp shall be appointed by the governor from the commissioned officers of the national guard in active service of the grade below that of colonel, and their appointment shall operate as a commission as aides-de-camp, but shall not add to the actual grade of the officer so appointed. The officers so appointed as aides-de-camp shall not be relieved from duty with their respective organizations, but shall perform all duties per-

Appointment and duties of military staff.

taining thereto except when actually on duty as aides-de-camp, under orders of the governor.

Adjutant
general; duties
and compensa-
tion.

The adjutant general shall have an office in the state house and shall be in control of the military department of the state, and shall perform such duties as pertain to the adjutant general and the quartermaster general under the regulation and customs of the United States army. He shall superintend the preparation of all returns and reports required by the United States from the state, and shall perform all other duties prescribed by law. He shall keep a register of all officers of the militia of the state, and shall keep in his office all records and papers required by law to be kept and filed therein and shall receive for his services a salary of two thousand dollars per annum.

Assistant adju-
tant general;
duties and
compensation.

The assistant adjutant general shall serve in the office of the adjutant general and aid him in the performance of such duties that may be assigned to him by the adjutant general, and in the case of the absence or inability of the adjutant general shall perform all or such portion of the duties of the adjutant general as the latter may expressly delegate to him and shall receive for his services a salary of fifteen hundred dollars per annum.

Assistant quar-
termaster gen-
eral; duties
and compensa-
tion.

Sec. 99. The adjutant general shall have an assistant quartermaster general, of the grade of colonel, who shall be appointed and commissioned by the governor, and shall serve in the office of the adjutant general, and shall be entitled to all the rights, privileges and allowances of other officers of corresponding rank and grade of the Ohio national guard. The assistant quartermaster general shall aid the adjutant general in the performance of such duties as may be assigned to him and of all duties devolving upon the assistant quartermaster general. He shall have charge of all ordnance and quartermaster stores and of the military property of the state under the direction of the adjutant general, and for his services shall receive a salary of fifteen hundred dollars per annum.

Adjutant
general to
make annual
reports.

Sec. 102. The adjutant general shall make to the governor annual reports of the transactions of his department, including a detailed statement of all the expenditures for military purposes, up to and including the fifteenth day of November.

Repeals, etc.

SECTION 2. That said original sections 98, 99, 100, 101 and 102 of the Revised Statutes of Ohio, be and the same are hereby repealed, and this act shall take effect and be in force from and after its constitutional enactment.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

H. L. GORDON,

President of the Senate.

Passed January 5, 1904.

I have approved the foregoing bill on this the 11th day of January, 1904, at 10 o'clock a. m.

GEO. K. NASH,

Governor of Ohio.

[House Bill No. 4.]

AN ACT

To confer jurisdiction upon police courts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The police court shall have jurisdiction of any offense under any ordinance of the city, and of any misdemeanor committed within the limits of the city or within four miles thereof, to hear and finally determine the same, and to impose the prescribed penalty; but cases in which the accused is entitled to a jury trial, shall be so tried unless a jury be waived.

Police court;
final jurisdiction
of.

SECTION 2. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed January 21, 1904.

Approved January 22, 1904.

MYRON T. HERRICK,
Governor.
4G

[House Bill No. 85.]

AN ACT

To make appropriations to pay deficiencies authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to pay deficiencies as herein specified, to-wit:

Appropriations
to pay deficiencies
authorized
by the emer-
gency board.

State House and Grounds.

Repairs for stairways \$650 00

Ohio National Guard.

Machinery for electric light and water at state
camp grounds 3,453 41

Attorney-General's Department.

Assistant counsel 4,000 00

Board of Health.

Expenses of board 1,500 00

Board of Public Works.

Canal repairs and improvements 318 11

Bureau of Labor Statistics.

Office repairs and improvements 385 00

*Legislature.*Chandeliers, decorating, carpets and draperies
for house and senate 11,955 45*Supreme Court and Law Library.*

Contingent expenses supreme court 500 00

*Columbus State Hospital.*Heating and completing two new hospitals. 15,000 00
Repairing damage done by fire 2,500 00*Massillon State Hospital.*

Constructing sewer for six cottages 2,600 00

Girls' Industrial Home.

New boiler house and equipment 5,885 00

Soldiers' and Sailors' Home.

Completing sewage disposal plant 8,500 00

Soldiers' and Sailors' Orphans' Home.

Completing boilers and hot water system 15,000 00

*Ohio Hospital for Epileptics.*For fire protection 2,126 00
Slaughter house and equipment 4,000 00*Lookout Mountain and Missionary Ridge Commission.*Site for monument on Missionary Ridge battle-
field 3,300 00*State Normal School Commission.*Expenses of commission 800 00
For interest on deficiencies at four per cent. per
annum, to be paid on approval of the
auditor of state 2,000 00SECTION 2. This act shall take effect and be in force
from and after its passage.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed February 3, 1904.

Approved February 4, 1904.

MYRON T. HERRICK,

Governor.

5G

[House Bill No. 70.]

AN ACT

Making appropriations for the Ohio university, the Miami university and for the normal and industrial department of Wilberforce university.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and hereby is appropriated from any money raised or coming into the state treasury to the credit of the Ohio university, Miami university, and the normal and industrial department of the Wilberforce university funds, not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1904, and the first quarter of the fiscal year ending February 15, 1905, the following sums, to-wit:

For the Ohio university, the sum of \$35,000.00.

For the Miami university, the sum of \$25,000.00.

For the normal and industrial department of the Wilberforce university, the sum of \$20,000.00.

And for the last three-quarters of the fiscal year ending November 15, 1905, and the first quarter of the fiscal year ending February 15, 1906, the following sums, to-wit:

For the Ohio university, the sum of \$35,000.00.

For the Miami university, the sum of \$25,000.00.

For the normal and industrial department of the Wilberforce university, the sum of \$20,000.00—or so much of said several amounts as may come into the state treasury to the credit of said funds, to be applied to the uses and purposes of the said universities, in accordance with the provisions of section 3951a, Revised Statutes, passed February 26, 1896 (O. L., vol. 92, p. 41); and an act to amend section 12 of an act passed March 19, 1887 (O. L., vol. 84, p. 127) entitled "An act to aid in the establishment and maintenance of a combined normal and industrial department at Wilberforce university, Greene county, Ohio," passed April 16, 1896 (O. L., vol. 92, p. 156).

SECTION 2. This act shall take effect and be in force on its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed February 3, 1904.

Approved February 5, 1904.

MYRON T. HERRICK,
Governor.
6G

Appropriations
for Ohio
university,
Miami univer-
sity and Wil-
berforce uni-
versity.

[House Bill No. 71.]

AN ACT

Making appropriations for the normal schools at the Ohio university at Athens, Ohio, and at the Miami university, at Oxford, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations
for normal
schools at
Ohio and
Miami univer-
sities.

SECTION 1. That there be and hereby is appropriated from any money in the state treasury to the credit of the "Ohio University and Miami University Funds," not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15th, 1904, and the first quarter of the fiscal year ending February 15th, 1905, the following sums, to-wit:

For the Ohio university, the sum of \$35,000.

For the Miami university, the sum of \$25,000.

And for the last three-quarters of the fiscal year ending November 15th, 1905, and the first quarter of the fiscal year, ending February 15th, 1906, the following sums, to-wit:

For the Ohio university, the sum of \$35,000.

For the Miami university, the sum of \$25,000, or so much of said several amounts as may come into the state treasury to the credit of said funds, to be applied to the uses and purposes of the normal schools of said universities, in accordance with the provisions of an act passed March 12, 1902 (O. L., vol. 95, pp. 45 and 46).

SECTION 2. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed February 3, 1904.

Approved February 5, 1904.

MYRON T. HERRICK,

Governor.

7G

[Senate Bill No. 6.]

AN ACT

To amend sections 1306 and 1307 of the Revised Statutes of Ohio, relating to payment of costs out of the county treasury, in felony and misdemeanor cases.

Be it enacted by the General Assembly of the State of Ohio:

Fees and
costs:

SECTION 1. That sections 1306 and 1307 of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 1306. In all felonies, when the defendant is convicted the costs of the justice of the peace, police judge, or justice, mayor, marshal, chief of police, constable and witnesses, shall be paid out of the county treasury and inserted in the judgment of conviction, so that, except in capital cases, the same may be paid to the county out of the state treasury; provided, in all cases, when recognizances are taken, forfeited and collected and in which there is no conviction said costs shall be paid out of the county treasury.

When costs in criminal case paid out of county treasury.

Sec. 1307. In no other case whatever, shall any cost be paid out of the state or county treasury to any justice of the peace, police judge or justice, mayor, marshal, chief of police, or constable.

In other cases, when not paid

SECTION 2. That original sections 1306 and 1307 are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed February 5, 1904.

Approved February 5, 1904.

MYRON T. HERRICK,
Governor.
8G

[Senate Bill No. 38.]

AN ACT

To repeal section 77 of the Revised Statutes of Ohio relating to the time when laws shall take effect.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 77 of the Revised Statutes of Ohio be, and the same is hereby repealed.

When laws take effect: act repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed February 5, 1904.

Approved February 5, 1904.

MYRON T. HERRICK,
Governor.
9G

[House Bill No. 65.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for sundry purposes.

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

Adjutant General's Department.

Expenses of inauguration.....	\$3,254 98
Salary of assistant quartermaster general.....	141 67
Fuel for state house.....	2,500 00
Material and repairs.....	100 00
Care and repair of heating apparatus.....	225 00
Improvement of state camp ground at Newark..	80 00
Furniture	200 00
Uniforms, overcoats, blankets and equipments...	289 78
Clerk hire	100 00

State Board of Arbitration.

For per diem and expenses of members.....	1,000 00
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Commissioner of Common Schools.

Contingent expenses	150 00
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Commissioner of Soldiers' Claims.

Furniture	26 18
Clerk hire	52 00

Examiner of Steam Engineers.

Contingent expenses	600 00
---------------------------	--------

Legislature.

Expenses of legislative committees.....	2,000 00
Contingent expenses of house.....	4,000 00
Contingent expenses of senate.....	3,000 00

Department of State.

Clerk hire	200 00
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Ohio Penitentiary.

Salaries of officers.....	11,000 00
Salaries of guards.....	25,000 00

Athens State Hospital.

Salaries of officers and trustees' expenses.....	1,360 00
--	----------

Cleveland State Hospital.

Salaries of officers and trustees' expenses..... 1,800 00

Appropriations
for sundry
purposes.

Columbus State Hospital.

Salaries of officers and trustees' expenses..... 1,213 56

Toledo State Hospital.

Salaries of officers and trustees' expenses..... 2,108 95
Remodeling and enlarging cottages and wards... 4,000 00

Boys' Industrial School.

For heating and plumbing employes' building... 6,000 00
For publishing constitutional amendments in the
several newspapers of the state..... 71,754 28

SECTION 2. This act shall take effect and be in force
from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed February 9, 1904.
Approved February 10, 1904.

MYRON T. HERRICK,
Governor.
10G

[House Bill No. 66.]

AN ACT

To make partial appropriations for the last three-quarters of
the fiscal year ending November 15, 1904, and the first quarter
of the fiscal year ending February 15, 1905.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes
hereinafter specified, be and the same are hereby appropri-
ated out of any moneys in the state treasury to the credit
of the general revenue fund not otherwise appropriated,
to-wit:

Partial appro-
priations for
1904 and 1905.

Adjutant General's Department.

Salary of adjutant general..... \$2,000 00
Salary of assistant adjutant general..... 1,500 00
Salary of assistant quartermaster general..... 1,500 00
Salary of chief clerk 1,400 00
Salaries of five clerks at \$1,200 each..... 6,000 00
Salary of superintendent of state arsenal..... 1,400 00
Salary of stenographer 720 00
Contingent expenses and inspections..... 750 00

Partial appro-
priations for
1904 and 1905.

State House and Grounds.

Salary of superintendent of laborers.....	900 00
Salary of engineer.....	1,000 00
Salaries of five firemen.....	1,000 00
Salaries of two visitors' attendants.....	1,440 00
Salary of janitor of flag room.....	720 00
Salaries of two day policemen.....	1,440 00
Salaries of two night policemen.....	1,600 00
Salaries of ten regular laborers.....	1,500 00
Salaries of two elevator attendants.....	1,200 00
Extra labor	625 00
Fuel for state house.....	1,000 00
Care and repair heating apparatus.....	1,500 00

Agricultural Experiment Station.

Expenses board of control.....	200 00
Substations for field experiments	800 00
Special work in animal industry.....	500 00
General repairs, labor and supplies.....	500 00

State Board of Agriculture.

Encouragement of agriculture.....	3,000 00
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Ohio State Archaeological and Historical Society.

Expenses of society	750 00
Field work, Fort Ancient and Serpent Mound...	750 00

Attorney General's Department.

Salary of attorney general	1,500 00
Salary of assistant attorney general.....	1,500 00
Fees on collections	300 00
Salary of stenographer	1,200 00
Salary of clerk	900 00
Contingent expenses	375 00
Assistant counsel	1,000 00

Auditor of State.

Salary of auditor of state.....	3,000 00
Salary of chief clerk	2,400 00
Salary of liquor tax deputy	2,000 00
Salary of inspector of institutions.....	2,000 00
Salary of railroad and bank clerk.....	1,950 00
Salary of bookkeeper	1,950 00
Salary of land clerk	1,500 00
Salaries of two excise clerks.....	2,850 00
Salaries of two transcribing clerks.....	2,850 00
Salary of canal and trust fund clerk.....	1,400 00
Salary of statistical clerk.....	1,350 00
Salary of clerk.....	1,000 00

Salary of correspondence clerk.....	800 00	Partial appropriations for 1904 and 1905.
Contingent expenses	750 00	

State Board of Appraisers and Assessors.

Salaries of members at \$1,500 each.....	6,000 00
Contingent expenses	300 00

State Board of Arbitration.

For per diem and expenses of members.....	800 00
---	--------

Board of State Charities.

Salary of secretary	1,800 00
Salary of clerk.....	900 00
Salary of stenographer.....	600 00
Salary of janitor.....	240 00
Expenses of board	250 00
Expenses of secretary.....	150 00
Contingent expenses	350 00

Board of Health.

Expenses of board.....	3,000 00
------------------------	----------

Board of Pardons.

Salaries of members	3,000 00
Salary of secretary	300 00
Expenses of board	800 00

Board of Public Works.

Salaries of members.....	600 00
Traveling expenses of members.....	450 00
Salaries of two engineers.....	900 00
Salary of secretary	375 00
Salary of clerk.....	175 00
Contingent expenses.....	125 00

Canal Commission.

Salaries of commissioners.....	750 00
Expenses of commission	1,500 00

Commissioner of Common Schools.

Salary of commissioner.....	2,000 00
Salary of chief clerk.....	1,750 00
Salary of statistical clerk.....	1,500 00
Salary of correspondence clerk.....	720 00
Salary of clerk	600 00
Traveling expenses of commissioner.....	200 00
Contingent expenses	200 00

Commissioners of Public Printing.

For printing paper	5,000 00
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Partial appro-
priations for
1904 and 1905.

Commissioner of Railroads and Telegraphs.

Balances and receipts, and..... 6,215 00

Commissioner of Soldiers' Claims.

Salary of commissioner	1,800 00
Salary of clerk	720 00
Salary of clerk	720 00
Recording clerk	300 00
Contingent expenses	200 00

Dairy and Food Commissioner.

Salary of commissioner	2,000 00
Salaries of two assistant commissioners, at \$1,000 each	2,000 00
Expense of commissioner	300 00
Expenses of two assistant commissioners	400 00
Salary of chief clerk	1,200 00
Salaries of two clerks	1,440 00
Inspection, analyses and publication	3,000 00
Attorney fees	2,000 00
Contingent expenses	300 00
Salary of one chief inspector for the collection of the liquor tax under the Cain law	375 00
Salaries of five assistant inspectors	1,500 00
Traveling expenses of liquor tax inspectors	1,250 00

Examiner of Steam Engineers.

Salary of chief examiner	1,800 00
Salaries of eight district examiners, at \$1,200 each	9,600 00
Salary of clerk	1,000 00
Contingent expenses	1,200 00
Traveling expenses	1,500 00

Executive Department.

Salary of governor	8,000 00
Salary of lieutenant governor	1,500 00
Salary of secretary to the governor	800 00
Salary of executive clerk	1,800 00
Salary of commission clerk	1,500 00
Salary of correspondence clerk	1,500 00
Contingent expenses, including newspapers	600 00

Fish and Game Commission.

Expenses of commission	2,000 00
Propagating and maintaining quail	250 00

Bureau of Labor Statistics.

Salary of commissioner	2,000 00
Traveling expenses of commissioner	200 00

Salary of chief clerk.....	1,300 00	Partial appropriations for 1904 and 1905.
Salary of stenographer	900 00	
Salary of clerk	720 00	
Salary of clerk	720 00	
Salary of clerk	600 00	
Contingent and traveling expenses.....	2,000 00	
Salaries of five free public employment superintendents, at \$1,200 each	6,000 00	
Salaries of five clerks for free public employment offices, at \$600 each	3,000 00	

Inspector of Mines.

Salary of chief inspector	2,000 00
Salaries of seven district inspectors, at \$1,200 each	8,400 00
Traveling expenses of chief inspector.....	150 00
Traveling expenses of seven district inspectors..	800 00
Salary of clerk	900 00
Salary of clerk	600 00
Salary of stenographer	720 00
Contingent expenses	300 00

Inspector of Workshops and Factories.

Salary of chief inspector.....	2,000 00
Traveling expenses of chief inspector.....	150 00
Salaries of ten district and two bakeshop inspectors at \$1,000 each.....	12,000 00
Salary of high explosive inspector.....	1,800 00
Traveling expenses of eleven district and two bakeshop inspectors	1,500 00
Salary of chief clerk	1,800 00
Salary of clerk	1,200 00
Salaries of two stenographers.....	1,560 00
Contingent expenses	300 00

Judiciary.

Salaries of judges	50,000 00
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Prosecution Ohio War Claims Against General Government.

Salary of agent	1,500 00
Expenses of agent	600 00
And to state agent, to collect war claims against general government, for commission, as provided for in section 3 of an act passed April 16, 1883, (vol. 80, page 122, and vol. 91, page 329) which provisions shall also apply to collections made on account of expenditures in the recent war with Spain.	

Department of State.

Salary of secretary of state	2,000 00
Salary of state supervisor of elections.....	1,000 00

Partial appropriations for 1904 and 1905.

Salary of chief clerk	2,400 00
Salary of statistical clerk	1,500 00
Salary of stationery clerk	1,500 00
Salary of assistant statistical clerk	1,350 00
Salary of proof reading clerk	1,350 00
Salary of corporation clerk	1,350 00
Salary of assistant corporation clerk	1,350 00
Salary of recording clerk	1,350 00
Salary of assistant recording clerk	1,200 00
Salary of stenographer	1,350 00
Salary of corporation fee clerk	1,350 00
Salary of assistant corporation fee clerk	1,350 00
Salary of corporation stenographer	1,200 00
Salary of superintendent of book room	1,000 00
Distribution of books	750 00
Contingent expenses	750 00
Stationery	3,500 00

Ohio State Library.

Salary of librarian	1,500 00
Salary for secretary state board of library commissioners	500 00
Salary for four library assistants	2,880 00
Salary of assistant librarian	1,200 00
Salary of stenographer	720 00
Salary of janitor	900 00
Salary of catalogue clerk	720 00
Books and papers	750 00
Contingent expenses and extra labor	450 00
Expenses of commission	75 00

Superintendent of Insurance.

Salary of superintendent	3,000 00
Salary of deputy superintendent	2,400 00
Salary of actuary	2,400 00
Salary of examining clerk	1,800 00
Salary of statistical clerk	1,800 00
Salary of bookkeeper	1,500 00
Salary of correspondence clerk	1,350 00
Salary of first assistant actuary	1,300 00
Salary of second assistant actuary	1,300 00
Salary of license clerk	1,000 00
Salary of mailing clerk	1,000 00
Salaries of extra clerks	2,300 00
Salary of janitor	600 00
Contingent expenses	500 00
Traveling expenses	1,000 00
All fees collected by the superintendent of insurance from companies under his supervision shall be turned into the state treasury upon the warrant of the auditor of state.	

*Bureau of Building and Loan Associations.*Partial appro-
priations for
1904 and 1905.

Salary of inspector	1,000 00
Salary of deputy inspector and supervisor bond investment companies	2,400 00
Salaries of four examiners at \$1,800 each	7,200 00
Salary of statistical clerk	1,350 00
Salary of chief clerk	1,200 00
Salary of clerk	1,200 00
Salaries of extra clerks and employees	800 00
Salary of mailing clerk	200 00
Salary of janitor	300 00
Contingent expenses	250 00
Traveling expenses	1,000 00

Supervisor of Public Printing.

Salary of supervisor	2,000 00
State printing	5,000 00
State bindery	8,000 00
Contingent expenses	200 00

Supreme Court and Law Library.

Salary of marshal, who shall perform the duties of librarian and cataloguing	2,500 00
Salary of assistant librarian and bookkeeper	1,700 00
Salary of first deputy marshal	1,200 00
Salary of second deputy marshal	1,000 00
Salary of third deputy marshal	1,000 00
Salary of assistant librarian	1,000 00
Salary of stenographer, first division	1,200 00
Salary of stenographer, second division	1,000 00
Salary of messenger	1,000 00
Salaries of three porters at \$600 each	1,800 00
Contingent expenses	700 00
Books and legal publications	500 00

Clerk of Supreme Court.

Salary of clerk	1,500 00
Salary of first deputy	1,450 00
Salary of second deputy	1,250 00
Salary of correspondence clerk	1,000 00
Salary of messenger	700 00
Contingent expenses	125 00

Reporter of Supreme Court.

Salary of reporter	1,500 00
Contingent expenses	1,200 00

Treasurer of State.

Salary of treasurer of state	3,000 00
Salary of cashier	2,400 00

Partial appro-
priations for
1904 and 1905.

Salaries of two bookkeepers at \$1,800 each.....	3,600 00
Salaries of two night watchmen.....	1,800 00
Salary of correspondence clerk.....	720 00
Contingent expenses	300 00

Ohio Penitentiary.

Per diem of managers	5,000 00
Salaries of officers	5,000 00
Salaries of guards	16,000 00
Current expenses	20,000 00
Manufacture of gas, electricity and improvement of lights	2,500 00
Expenses of execution	500 00
Sewerage and waterworks	300 00

Ohio State Reformatory.

Salaries of managers	3,000 00
Salaries of officers	5,000 00
Salaries of guards	2,000 00
Ordinary repairs and improvements	2,000 00

Athens State Hospital.

Salaries of officers and trustees' expenses.....	2,000 00
Ordinary repairs and improvements	2,000 00

Cleveland State Hospital.

Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements.....	2,000 00

Columbus State Hospital.

Salaries of officers and trustees' expenses.....	2,000 00
Ordinary repairs and improvements.....	3,000 00

Dayton State Hospital.

Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements.....	2,000 00

Longview Hospital, Carthage, Ohio.

Current expenses	30,000 00
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Massillon State Hospital.

Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	1,500 00

Toledo State Hospital.

Current expenses	30,000 00
Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	2,000 00

*Boys' Industrial School.*Partial appro-
priations for
1904 and 1905.

Current expenses	10,000 00
Salaries of officers and teachers and trustees' ex- penses	5,000 00
Rewards	200 00

Girls' Industrial Home.

Current expenses	2,500 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses.....	1,000 00

Institution for the Education of the Blind.

Salaries of officers and teachers and trustees' ex- penses	14,000 00
Ordinary repairs and improvements.....	2,000 00

Institution for the Education of the Deaf and Dumb.

Current expenses	15,000 00
Salaries of officers and teachers and trustees' ex- penses	7,000 00
Ordinary repairs and improvements.....	2000 00
Lumber and nails for boxes	250 00
Foreman, supplies and industrial pursuits	500 00

Institution for Feeble-Minded Youth.

Salaries of officers and teachers and trustees' ex- penses	3,000 00
Ordinary repairs and improvements.....	3,000 00
Furnishing new buildings	10,000 00
Heating and plumbing new buildings.....	10,000 00

Soldiers' and Sailors' Home.

Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements.....	3,000 00

Soldiers' and Sailors' Orphans' Home.

Current expenses	5,000 00
Salaries of officers, teachers, trustees' and lady board of visitors' expenses	5,000 00
Ordinary repairs and improvements.....	2,000 00
Industrial pursuits	2,000 00
Salaries of foremen and instructors.....	2,000 00

Ohio Hospital for Epileptics.

Ordinary repairs and improvements.....	2,000 00
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State Fire Marshal.

Balances and receipts

Partial appro-
priations for
1904 and 1905.

State Board of Medical Registration and Examination.

Balances and receipts

State Board of Pharmacy.

Balances and receipts

Bureau of Uniform System of Public Accounting.

Balances and receipts

Miscellaneous.

Pension for Mrs. J. P. Brush..... 96 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1904, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for carpets or furniture, or any expenses for officers attending state, interstate or national associations of benevolent, penal or educational institutions, shall be paid out of the appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished or expenses incurred, and the date of purchase and the time of service; and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state shall be allowed from any amount herein appropriated; and this act shall take effect and be in force from and after its passage.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed February 16, 1904.

Approved February 18, 1904.

MYRON T. HERRICK,

Governor.

[House Bill No. 50.]

AN ACT

To provide for the appointment of a trustee to care for and preserve the estate of persons owning property in this state, and having been unheard of for such time as shall cause the heirs-at-law, or next of kin, to believe them dead.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That when a person owning property in this state, whether such property be real or personal, has been unheard of for such time as shall cause the heirs-at-law or next of kin to believe such person dead, the probate court shall, upon the filing of an affidavit setting forth sufficient reasons for believing such person dead, and that the last known place of residence of said person in this state was in the county in which such affidavit is filed, appoint a trustee to collect and preserve the property of said person until such time as said person shall return or an administrator or executor of his estate shall be appointed. Every person so appointed trustee shall give such bond and perform such duties and receive such compensation as shall be ordered and determined by the probate court.

Appointment of trustee to care for property of person so long unheard of as to be deemed dead.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed February 16, 1904.

Approved February 23, 1904.

MYRON T. HERRICK,

Governor.

12G

[Senate Bill No. 12.]

AN ACT

To supplement section 757 of the Revised Statutes of Ohio by a section to be numbered 757b relating to the parole of the inmates of the boy's industrial school.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 757 of the Revised Statutes of Ohio be supplemented as follows:

Boys' industrial school:

Sec. 757b. The trustees shall have authority to establish rules and regulations under which inmates may be allowed to go upon parole, in legal custody, and under the control of the trustees and subject at any time to be taken to said school; but no inmate shall be paroled except upon the written recommendation of the superintendent; and no such parole shall be granted unless there is in the judgment of the trustees reasonable ground to believe that the inmate

Trustees may parole inmates.

thereby released will obey the law while at liberty, and that such parole is not incompatible with the welfare of society. The trustees shall have full power to enforce the rules and regulations, and to retake any such inmate so upon parole. and their written order certified by the superintendent shall be sufficient warrant for any officer named therein to authorize such officer to arrest said inmate and return him to said school; and it is hereby made the duty of all officers who may be named in such order to arrest and return to said school any paroled inmate named therein.

SECTION 2. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed February 29, 1904.
Approved March 2, 1904.

MYRON T. HERRICK,
Governor.
13G

[Senate Bill No. 13.]

AN ACT

To supplement section 761 of the Revised Statutes of Ohio by a section to be numbered 761a, relating to transfers from the boys' industrial school to the Ohio state reformatory.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That section 761 of the Revised Statutes of Ohio be supplemented as follows:

Sec. 761a. The governor may, upon the written application of the superintendent of the boys' industrial school, when approved by the board of trustees, transfer to the Ohio state reformatory, any inmate of the boys' industrial school, who at the time of said transfer is more than sixteen years of age, and who was committed to said school for the commission of a crime punishable by imprisonment in said reformatory. And any person so transferred shall be received by the board of managers of said reformatory, and shall be governed by the same rules and regulations as if received by the board of managers of said reformatory, and tion of said crime.

SECTION 2. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed February 29, 1904.
Approved March 2, 1904.

MYRON T. HERRICK,
Governor.
14G

Boys' industrial school:

Transfer of inmates to Ohio state reformatory.

[House Bill No. 15.]

AN ACT

To provide for the filing and docketing of vouchers on bills before being acted upon by the county commissioners or county infirmiry directors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Any bill or voucher for the expenditure of money payable out of any of the funds comrolled by the county commissioners or board of county infirmiry directors must be filed with the county auditor and docketed in a book kept for that purpose at least five days before its approval for payment by the commissioners or board of county infirmiry directors; and when approved the date of said approval shall be entered on such docket opposite said claim, and payment thereof shall not be made until after the expiration of five days after said approval has been entered as aforesaid.

Duty of commissioners or infirmiry directors as to filing and docketing bills or vouchers.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed February 29, 1904.

Approved March 2, 1904.

MYRON T. HERRICK,

Governor.

15G

[House Bill No. 48.]

AN ACT

Fixing the rate of state taxes for the Ohio state university.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. There shall be levied annually for the years 1904 and 1905 on each dollar of valuation of the taxable property of the state for the support of the Ohio state university, taxes to the amount of fifteen one-hundredths of a mill, said fund to be styled the "Ohio state university fund." The levy herein authorized shall be in lieu of, and not in addition to any other levy for said Ohio state university now authorized by law, and all acts or parts of acts inconsistent herewith are hereby repealed.

Tax levy for Ohio state university.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed February 29, 1904.

Approved March 2, 1904.

MYRON T. HERRICK,

Governor.

16G

[House Bill No. 229.]

AN ACT

To appropriate money for the temporary restoration and equipment of laboratories destroyed by fire at the Ohio state university February 19th, 1904.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation
for Ohio state
university.

SECTION I. That there be and is hereby appropriated out of any moneys coming into the state treasury to the credit of the general revenue fund, not otherwise appropriated the sum of fifteen thousand dollars (\$15,000.00) for the Ohio state university; said appropriation to be used for the temporary provision of laboratories and facilities and for materials lost by fire on February 19th, 1904.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed February 29, 1904.

Approved March 2, 1904.

MYRON T. HERRICK,

Governor.

17G

[House Bill No. 172.]

AN ACT

To amend section 1476 of the Revised Statutes of Ohio, as amended May 10, 1902, authorizing the trustees of a township to establish and maintain a public library.

Be it enacted by the General Assembly of the State of Ohio:

Township
libraries:

SECTION I. That section 1476 of the Revised Statutes of Ohio, as amended May 10th, 1902, be amended so as to read as follows:

Question of
establishment
of public libra-
ry may be sub-
mitted to
electors.

Sec. 1476. The trustees of any township, on the petition of twenty electors thereof, shall upon four weeks' public notice, published in some paper of general circulation in the county, submit to the electors of such township, at some general election in April or November, the question whether there shall be a public library established in such township for the use and benefit of the citizens thereof, and those voting at such election in favor of such library, shall put upon their ballots the words "public library—yes," and those voting thereat against such library, the words, "public library—no;" and if a majority of the electors voting at such election vote in favor thereof, the trustees aforesaid have authority, annually, to levy upon all the taxable property of such township a tax not exceeding one mill on the

dollar valuation thereof to be applied to the establishment and maintenance of a library, as aforesaid, and the procuring of a suitable room or rooms for the same.

SECTION 2. That said original section 1476, as amended May 10, 1902, be and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed March 3, 1904.

Approved March 3, 1904.

MYRON T. HERRICK,
Governor.
18G

[House Bill No. 111.]

AN ACT

Making appropriations to pay the interest on the irreducible debt and expenses of the sinking fund commission.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated from any money that may be in the state treasury or that may come into the state treasury, belonging to the sinking fund, the following sums for the purposes herein named:

Appropriations
for interest on
irreducible
debt.

For interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university, and Ohio state university funds, falling due January 1st, 1904, and January 1st, 1905, five hundred and seventy-five thousand (\$575,000) dollars; for payment of the office expenses of the commissioners of the sinking fund, five hundred (\$500.00) dollars.

Appropriations
for expenses of
commissioners
of the sinking
fund.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed March 3, 1904.

Approved March 4, 1904.

MYRON T. HERRICK,
Governor.
19G

[Senate Bill No. 11.]

AN ACT

To amend sections 6, 7, 8 and 9 of an act entitled "An act for the better protection of life and property against injury or damage resulting from the operation of steam engines and boilers by incompetent engineers and others, and to repeal an act therein named, passed March 1, 1900 (94 O. L., 33), as amended March 13, 1902 (95 O. L., 48) and April 30, 1902 (95 O. L., 333), and to repeal said original sections 6, 7, 8 and 9, as amended; and section 4364-89q of the Revised Statutes of Ohio."

Be it enacted by the General Assembly of the State of Ohio:

**Stationary
engineers :**

SECTION 1. That sections 6, 7, 8 and 9 of an act entitled, "An act for the better protection of life and property against injury or damage, resulting from the operation of steam engines and boilers by incompetent engineers and others, and to repeal an act therein named," passed March 1, 1900 (94 O. L., 33), as amended March 13, 1902 (95 O. L., 48) and April 30, 1902 (95 O. L., 333), be amended so as to read as follows:

**License; how
obtained.**

(4364-89q) Sec. 6. Any person who desires to act as a steam engineer shall make application to the district examiner of steam engineers for a license so to act, upon a blank furnished by the examiner, and shall successfully pass an examination upon the following subjects: the construction and operation of steam boilers, steam engines, and steam pumps, and also hydraulics, under such rules and regulations as may be adopted by the chief examiner, which rules and regulations, and standard of examination, shall be uniform throughout the state. If, upon such examination, the applicant is found proficient in said subjects a license shall be granted him to have charge of and operate stationary steam boilers and engines of the horse power named in this act. Such license shall continue in force for one year from the date the same is issued, provided, however, the district examiner may, upon written charges, after notice and hearing, revoke the license of any person guilty of fraud in passing the examination, or who has become insane or who is addicted to the liquor or drug habit to such a degree as to render him unfit to discharge the duties of steam engineer.

**Who entitled
to license with-
out examina-
tion.**

(4364-89r) Sec. 7. Any person to whom a license is issued under the provisions of this act shall upon application at the expiration of one year from the date thereof be entitled to a renewal thereof for one year, unless the district examiner of his district for the cause or causes set out in section 6 of this act, upon notice and hearing, should refuse such renewal.

**Fees, reports,
etc.**

(4364-89s) Sec. 8. The fee for examination of applicants for license shall be two dollars (\$2), to be paid at the time of the application for examination, and two dollars,

(\$2)* for each renewal of license. All fees collected and received by the district examiners from the issue of licenses and the renewal of the same, shall be, on or before the 5th day of each month, remitted to the chief examiner at Columbus, together with a monthly report of the business of their offices. Said chief examiner shall pay into the treasury, to the credit of the general revenue fund, all moneys and fees by him received from the district examiners, and, on or before the 10th day of each month, said chief examiner shall file a monthly report with the governor, of the business of his office and the amount of money received by him and paid into the state treasury.

(4364-89f) Sec. 9. Any person dissatisfied with the action of any district examiner in refusing or revoking a license, or a renewal thereof, may appeal to the chief examiner, who shall investigate the action of said district examiner; if, upon such investigation, said chief examiner finds that the district examiner was justified, for the cause or causes set out in section 6 of this act, in refusing or revoking such license, or renewal thereof, he shall sustain the district examiner in his action; but should said chief examiner find that the district examiner was not justified in refusing or revoking such license, or renewal thereof, he shall order said district examiner to issue a license to the person making the appeal.

Appeal from
decision of
district exam-
iner.

SECTION 2. That said sections 6, 7, 8 and 9 of an act entitled, "An act for the better protection of life and property against injury or damage, resulting from the operation of steam engines and boilers by incompetent engineers and others, and to repeal an act therein named," passed March 1, 1900 (94 O. L., 33), as amended March 13, 1902 (95 O. L., 48) and April 30, 1902 (95 O. L., 333); and Sec. 4364-89g, be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed March 3, 1904.

Approved March 4, 1904.

MYRON T. HERRICK,
Governor.
20G

[Senate Bill No. 8.]

AN ACT

To amend section 3 of an act entitled "An act to create the office of dairy and food commissioner provide for his election, term of office, duties, salaries, expenses, office, disposition of fines collected, annual reports, etc.," as amended March 21, 1887; and section 4 of said act as amended April 12, 1898, known as section (409-9) and (409-10) Bates' Annotated Ohio Statutes, and to amend section 1 of an act entitled "An act to authorize the dairy and food commissioner of Ohio to employ a clerk," passed April 24, 1893, known as section 409-14 Bates' Annotated Ohio Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Dairy and food
commissioner:

SECTION 1. That section 3 of an act entitled "An act to create the office of dairy and food commissioner, provide for his election, term of office, duties, salaries, expenses, office, disposition of fines collected, annual reports, etc.," as amended March 21, 1887; and section 4 of said act as amended April 12, 1898, and section one (1) of an act entitled "An act to authorize the dairy and food commissioner of Ohio to employ a clerk," passed April 24th, 1893, known as sections (409-9) and (409-10) and (409-14), Bates' Annotated Ohio Statutes, be amended to read as follows:

Powers, pro-
ceedings.

Sec. 3. The said commissioner, or any assistant commissioner, or any inspector, of the dairy and food department shall have power in the performance of their duty, to enter into any creamery, factory, store, salesroom, drug store or laboratory, or place where they have reason to believe food or drink or linseed oil are made, prepared, sold or offered for sale, and to examine their books, and to open any cask, tub, jar, bottle or package, containing or supposed to contain any article of food or drink and examine or cause to be examined and analyzed the contents thereof, and it shall be the duty of any prosecuting attorney in any county of the state, when called upon by said commissioner or assistant commissioner, or any inspector, to render him any legal assistance in his power, to execute the laws, and to assist in the prosecution of cases arising under provisions of this act.

Assistant
commissioners.

Sec. 4. Said commissioner may appoint not to exceed two assistant commissioners, each of whose salaries shall be one thousand dollars per year, and necessary traveling expenses incurred in the discharge of their official duties, to be paid in like manner with the commissioner's and on itemized vouchers approved by said commissioner; the said commissioner shall have power to employ such experts, chemists, agents inspectors and counsel as may by him be deemed necessary for the proper enforcement of the laws, their compensation to be fixed by the commissioner. And each assistant commissioner and inspector now serving or hereafter

Experts, in-
spectors, etc.;
compensation,
bond, etc.

appointed shall, before entering upon or continuing in the discharge of his duties, give bond payable to the state in the sum of \$1,000.00 with sureties to the approval of the dairy and food commissioner conditioned for the faithful performance of his duties, which bond, when so approved, shall be filed with the secretary of state and be open to inspection at all proper times.

All charges, accounts and expenses authorized by this act shall be paid out of the state treasury upon vouchers certified by the commissioner, and upon warrant by the state auditor. The entire expense of said commissioner shall not exceed in one year the amount specifically appropriated for such purposes. All vacancies in the office of dairy and food commissioner shall be filled by appointment of the governor until the next general election, then the same shall be filled as in the original election. All fines, fees and costs assessed and collected under prosecutions begun, or caused to be begun, by the commissioner, and all fines, fees and costs heretofore assessed and collected under prosecution begun or caused to be begun by the commissioner, shall be paid by the court to the commissioner, and by him paid into the state treasury and be credited to the general revenue fund of the state.

Expenses.

Vacancies.

Disposition of fees

The two most easterly rooms on the north side of the east end of the south corridor of the state house, now occupied by the dairy and food commissioner, are set apart for his use, wherein shall be kept his books, records, or other property of his office.

Office, where located.

He shall keep a seal with which to attest official acts and documents, and shall be entitled to stationery and supplies from the secretary of state as are other state officers. The commissioner shall make an annual report to the governor as soon as possible after the 15th day of November of each year, containing itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value; said reports to be published as are the other reports of the other state officers.

Seal, etc.

Report.

He shall issue bulletins at such times as he may deem best, giving such information as he may have of the condition of the various products which it is his duty to cause to be inspected and the results of analyses by him caused to be made and such other information as may be serviceable to the public, which said bulletins shall be immediately published by the state and distributed by the commissioner.

Bulletins.

SEC 1. That the dairy and food commissioner of Ohio be, and is hereby authorized to employ a clerk for his office whose compensation shall not exceed \$1,200.00 per annum.

Clerk.

Repeals, etc.

SECTION 2. Said original sections are hereby repealed and this act shall take effect sixty days after its passage.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed March 3, 1904.

Approved March 4, 1904.

MYRON T. HERRICK,

Governor.

21G

[Senate Bill No. 17.]

AN ACT.

To make an appropriation to reimburse Company B, First Battalion of Engineers, Ohio National Guard, for losses sustained by fire and for the relief of members of said organization.

WHEREAS, on the 28th day of February, 1903, fire occurred in the equipment and club rooms of Company B of the First Battalion of Engineers, Ohio National Guard, and said organization lost practically all of its equipments and company property and the interior of its said rooms were utterly ruined and certain members thereof lost a portion of their uniforms and equipments, which were their private property, aggregating in all the sum of \$725.00; therefore
Be it enacted by the General Assembly of the State of Ohio:

Appropriation
to reimburse
Co. B, First
Battalion of
Engineers.

SECTION 1. That there be and is hereby appropriated, out of any moneys in the treasury to the credit of the general revenue funds and not otherwise appropriated, the sum of seven hundred and twenty-five dollars (\$725.00) for the relief of said organization and the members thereof; said sum to be paid to the commanding officer of said organization and by him distributed in accordance with the report of a board of survey heretofore appointed by the governor.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed March 29, 1904.

Approved March 31, 1904.

MYRON T. HERRICK,

Governor.

43G.

[House Bill No. 139.]

AN ACT

To authorize county commissioners to appropriate money, levy tax, and issue and sell bonds in an amount not to exceed \$50,000, in anticipation of such levy, to rebuild county infirmary, destroyed by fire and other casualty.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any county, in which a county infirmary has been destroyed by fire and not rebuilt, or shall hereafter be destroyed by fire or other casualty, the county commissioners of said county shall have authority to appropriate money, levy tax, and to issue and sell the bonds of said county in anticipation of such levy, in an amount not to exceed fifty thousand (\$50,000.00) dollars, for the purpose of rebuilding such infirmary, without first submitting to the voters of said county the question as to the policy of rebuilding such infirmary, appropriating such money, levying such tax, and issuing and selling such bonds.

County commissioners authorized to sell bonds for purpose of rebuilding infirmary.

SECTION 2. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed March 3, 1904.

Approved March 4, 1904.

MYRON T. HERRICK,
Governor.

22G

[House Bill No. 40.]

AN ACT

To authorize the surrender of leases for school lands in section 16, of township 7, range 13, Ohio Company's purchase, and the purchase of the same in fee simple.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any lessee, sublessee or owner in any way of a leasehold interest in section 16 of original township 7, of range 13, in the Ohio Company's purchase, being in Homer township, Morgan county, Ohio, and which is held mediately or immediately under or by virtue of a lease made by special trustees of said original township, may surrender to the auditor of said county his lease, sublease or evidence of his ownership or holding, and pay to the county treasurer of said county the full amount of the then appraised value of such lands, the lease of which is so surrendered; if other than an original lease is surrendered, then the amount to be paid is such part of the appraised value of the whole

Morgan county; surrender of leases of parts of section 16.

Purchase of
such parts.

Deed for
same.

State to
pay interest
on proceeds of
sale.

lease given as the number of acres so surrendered is proportionate to the whole number of acres included in the original lease. The county treasurer shall thereupon give such person a certificate duly made and signed, showing the name of the person making such surrender, a description of the premises surrendered, the amount paid into the treasury, and stating that said amount is the full appraised value thereof; and which certificate when countersigned by the auditor and sealed with the seal of his office, the owner thereof may present to the auditor of state, and said auditor shall then prepare a deed in due form, granting to such owner of certificate a fee simple title to said lands so surrendered, and which said deed shall be executed by being signed by the governor, and countersigned by the auditor of state and sealed with the seal of the state of Ohio; and when so executed said deed shall be by said state auditor transmitted to said county auditor, and by the latter delivered to the grantee thereof.

SECTION 2. Said county auditor shall at the time provided for in section 1431, Revised Statutes of Ohio, report any sales made by virtue of this enactment to the auditor of state and from the time of making such report the state shall pay interest on such sum or sums so reported and the treasurer of state upon receipt from the auditor of state of a certificate showing such payment to have been made into the county treasury, and the execution and transmission of said deed shall draw out of said county treasury said money so paid to said treasurer and accredit the same as other funds so reported under section 1431, Revised Statutes.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed March 9, 1904.

Approved March 11, 1904.

MYRON T. HERRICK,

Governor.

23G

[Senate Bill No. 4.]

AN ACT

To amend section 218 of the act of October 22, 1902 entitled, "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 218 of the act of October 22, 1902, entitled "An act to provide for the organization of

cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith, be and the same is hereby amended so as to read as follows:

Sec. 218. The custody, control and administration, together with the erection and equipment, of free public libraries established by municipal corporations, shall be vested in six trustees, not more than three of whom shall belong to the same political party, and not more than three of whom shall be women, who shall be appointed by the mayor to serve without compensation for a term of four years and until their successors are appointed and qualified; provided, however, that in the first instance three of such trustees shall be appointed for a term of two years, and three thereof for a term of four years, and all vacancies shall be filled by like appointment for the unexpired term. Said trustees shall employ the librarians and necessary assistants, fix their compensation, adopt the necessary by-laws and regulations for the protection and government of the libraries and all property belonging thereto, and exercise all the powers and duties connected with and incident to the government, operation and maintenance thereof. It shall require four of said trustees to constitute a quorum and four votes to pass any measure or authorize any act, which votes shall be taken by the yeas and nays and entered on the record of proceedings of [said] trustees, and in the making of contracts said trustees shall be governed by the provisions of law applicable thereto.

Administration, erection, equipment, etc., of free public libraries to be vested in board of trustees appointed by the mayor.

Powers and duties of such board.

Every woman born or naturalized in the United States, of the age of twenty-one (21) years and upward, who shall have been a resident of the state at least one year, and of the city or village in which any such library may be established, for the period of thirty days, shall be qualified to be appointed and serve as such trustee.

Women may be members of such board if qualified.

The council of each city shall have power to levy and collect a tax not exceeding one mill on each dollar of the taxable property of the municipality, annually, and to pay the same to a private corporation or association maintaining and furnishing a free public library for the benefit of the inhabitants of the municipality as and for compensation for the use and maintenance of the same and without change or interference in the organization of such corporation or association, requiring the treasurer of such corporation or association to make an annual financial report, setting forth all the money and property which has come into its hands during the preceding year, and its disposition of the same, together with any recommendation as to its future necessities.

City council authorized to levy tax to compensate private company for maintaining free public library.

Repeals.

SECTION 2. That said original section number 218 be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed March 15, 1904.

Approved March 15, 1904.

MYRON T. HERRICK,

Governor.

24G

[House Bill No. 83.]

AN ACT

To amend section 4904 of the Revised Statutes of Ohio, to provide for the regulation of burdens on improved roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4904 of the Revised Statutes of Ohio be amended so as to read as follows:

**Repair of
improved
roads:**

**Regulation
of burdens
on improved
roads.**

Sec. 4904. It shall be unlawful for any person or persons, firm or corporation, in any county having free or toll macadamized, graveled or stone roads, to transport over such roads, in any vehicle having a tire of less than three inches in width, a burden, including weight of vehicle, of more than thirty-four hundred pounds. The county commissioners of every county shall constitute a board of directors for their respective counties, with power to prescribe the increased gross weight in quantity greater than thirty-four hundred pounds that may be carried, including weight of vehicles, in vehicles having a width of tire three inches or upwards, and cause such regulations to be recorded in their journal. All persons violating this act or any regulations duly prescribed by the aforesaid board of county commissioners made in pursuance hereof, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifty dollars, and shall be imprisoned until the fine and costs of prosecution are paid, or said person so convicted duly discharged according to law. The board of trustees or any one of them, or any pike superintendent or commissioner within their respective jurisdiction, or any owner or president of any turnpike company owning or operating a turnpike road within any county, and the county commissioners within their respective counties, shall cause to be prosecuted all persons violating this act or violating any regulations prescribed by the board of county commissioners, made in pursuance of the authority herein conferred. The county commissioners within their respective counties are hereby empowered to appoint some suitable person or

**Penalty for
violation of
this act.**

persons to enforce the requirements of this act and such regulations as are made in pursuance of the authority herein conferred; and the person or persons so appointed shall receive, upon any conviction for an offense by them prosecuted under this act, such portion of the fine or penalty as the commissioners may deem just and proper; and on complaint of any freeholder, and if, in the opinion of the board, owner or president of any such turnpike company, the complaint is well founded, the said board, owner or president of any such turnpike company may also enjoin any person or persons who are engaged in the business of transporting heavy loads over such roads in violation of the requirements prescribed under it, and the court in any such action may render judgment against the defendant or defendants for any damage done.

SECTION 2. That said original section 4904 be and the same is hereby repealed. **Repeals.**

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed March 15, 1904.

Approved March 15, 1904.

MYRON T. HERRICK,
Governor.
25G

[Senate Bill No. 93.]

AN ACT

To amend sections 483, 567, 581 and 1442 of the Revised Statutes of Ohio and sections 222 and 223 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit so as to prevent the abuses of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22d, 1902 relating to the time and manner of holding elections, and of beginning the terms of justice of the peace, officers of township, villages and cities and to the election and terms of office of superior court judges.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 483, 567, 581 and 1442 of the Revised Statutes of Ohio, and sections 222 and 223 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their powers of taxation, assessment, borrowing money, contracting debts and loaning their credit so as to prevent the abuses of such powers, as required by the constitution of Ohio, and to repeal all

Abolishment
of April
elections.

sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be amended so as to read as follows:

Superior
court of Cin-
cinnati;
term of office
of the judges
and their
election.

Beginning of
term.

Sec. 483. The judges of the superior court shall severally hold their office for five years, and shall be elected by the electors of the city of Cincinnati on the first Tuesday after the first Monday of November of each year preceding that in which the term of any of said judges expires, and the terms of said judges shall begin on the first Monday in January following said election; and in case the office of any one of the judges becomes vacant before the expiration of the regular term for which he was elected, or in case a vacancy shall happen by any change now or hereafter made by law in the date of electing such judges, the vacancy shall be filled by appointment by the governor, and the judge so appointed shall hold his office until his successor, elected at the next regular election occurring more than thirty days thereafter, shall qualify; provided, however that the judge of said superior court elected at the November election in 1904 shall hold his office until the first Monday in January 1909; the judge elected on the first Monday in April 1902 shall hold his office until the first Monday in January 1907; and the judge elected on the first Monday in April 1903 shall hold his office until the first Monday in January 1908.

Justices of
the peace;
vacancies to
be filled by
appointment
by trustees.

Election.

Notice to
county clerk
by trustees.

Sec. 567. When a vacancy occurs in the office of justice of the peace in any township in the state, either by death, removal, absence at any one time for the space of six months, resignation, refusal to serve, or otherwise, the trustees, having notice thereof, shall, within ten days from and after such notice, fill any such vacancy by appointing a suitable and qualified resident of the township who shall serve as justice until the next regular election for justice of the peace, and until his successor is elected and qualified; and a majority vote of the trustees shall be sufficient to appoint. At the next regular election, some suitable person shall be elected justice in the manner provided by law, for the term of three years; and the clerk of the court of common pleas, in certifying to the secretary of state the appointment of a justice of the peace to fill any vacancy, as aforesaid, shall specify in his certificate, the name of the justice of the peace whose place is supplied by the person whose appointment is certified to, and also the date when such vacancy occurred; and to enable the clerk of the court to comply with so much of this section as relates to his duties, the trustees shall notify him of any vacancy, as aforesaid, and the date when it occurred; and in case the election of an additional justice of the peace in any township is authorized by the proper authority, the clerk of the court, in certifying his election to the secretary of state, shall state in his certificate that he is such additional justice of the peace, so authorized and elected.

Record of
date of com-
missions.

Sec. 581. Every justice of the peace, when commissioned, shall, in thirty days thereafter, transmit the date thereof, to the clerk of the township, who shall make an entry thereof in a book by him to be provided for that purpose, and

before the first day of September of each year, the clerk shall give a written notice to the trustees of all commissions expiring within twelve months after the first day of November following, or which may have expired theretofore, and the date when each such justice's commission expired, or will expire, and the trustees, on receiving such notice, shall notify the electors of such township to elect at the next regular November election thereafter, a justice of the peace to fill each vacancy, in the manner pointed out in section five hundred and sixty-seven (567).

Notice of election.

Sec. 1442. Township officers and justices of the peace shall be elected on the first Tuesday after the first Monday of November, annually, in the manner provided by law. All township officers hereafter elected shall begin their respective terms on the first Monday in January, after their election, and all township officers now holding office and hereafter elected shall hold their offices until their successors are elected and qualified.

Officers of civil townships; election and beginning of term.

Sec. 222. The first election under this act shall be held on the first Monday in April, 1903, and all elective officers provided for in this act, shall be elected at that time, and the terms of all existing elective officers of municipalities except as otherwise provided in this act, shall cease and determine on the first Monday in May, 1903, and their offices shall be abolished upon the qualification of the officers provided for in this act, and every year thereafter, beginning with the year 1904, on the first Tuesday after the first Monday in November, an election shall be held in each municipal corporation, and such election shall be the regular municipal election, shall be held, canvassed, and the result certified, in the manner provided by law, with respect to municipal elections. The officers chosen at the first election held on the first Monday in April, 1903 shall begin their respective terms on the first Monday of May succeeding their election. The officers elected at each subsequent election, beginning with the year 1904, shall commence their respective terms on the first Monday of January after their election. The election of the successors of all elective municipal officers whose terms now expire on the first Monday of May, shall be held on the first Tuesday after the first Monday of November next following the expiration of such terms, and all elective municipal officers whose terms would otherwise expire on the first Monday of May previous to the election of their successors, shall hold their offices until their successors are elected and qualified. All successors to judges and clerks of police courts and assessors shall likewise be elected on the first Tuesday after the first Monday in November and their terms, respectively, shall begin on the first Monday of January after their election.

Municipal officers; election and beginning of term.

Sec. 223. (Appointments). The directors of public safety, directors of the university, street commissioner or any board or officer whose appointment is required by this act shall be appointed not earlier than the second Monday in

Appointments.

May and not later than the first Monday in June, 1903, and subsequently, after the expiration of the terms of said boards and officers, their successors shall be appointed not earlier than the second Monday in January, and not later than the first Monday in February, and the boards and officers serving when this act goes into effect shall hold their respective offices until their successors are appointed as required herein.

School
directors;
election and
beginning of
term.

SECTION 2. All elections for school directors, members of boards of education and school councils provided for by any general or special laws of the state shall likewise be held on the first Tuesday after the first Monday in November, and the terms of all such officers respectively, shall begin on the first Monday in January after their election. And all such officers now holding office and hereafter elected shall hold their offices until their successors are elected and qualified.

Ballots,
how printed.

SECTION 3. The names of all candidates to be voted for on the first Tuesday after the first Monday in November, hereafter, shall be placed on the same ballot, arranged in single tickets or lists under the respective party, political or other designation certified, in the order and manner provided by law; provided that nothing in this section shall be construed to affect the provisions of "An act to secure a voice in school affairs to the women of Ohio on equal terms with men," passed April 24, 1894, or any special or general act providing for the election of school directors or members of boards of education and school councils.

Repeals.

SECTION 4. That said original sections 483, 567, 581 and 1442 of the Revised Statutes of Ohio, and sections 222 and 223 of an act, entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their powers of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be and the same hereby are repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed March 17, 1904.

Approved March 17, 1904.

MYRON T. HERRICK,
Governor.
26 G

[House Bill No. 255.]

AN ACT

Making appropriations for the Ohio state university.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of the "Ohio state university fund," not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1904, and the first quarter of the fiscal year ending November 15, 1905, the sum of three hundred and fifteen thousand dollars (\$315,000.00) or as much as may come into the treasury to the credit of said fund; and for the last three-quarters of the fiscal year ending November 15, 1905, and the first quarter of the fiscal year ending November 15, 1906, the sum of three hundred and twenty thousand dollars (\$320,000.00) or so much as may come into the treasury to the credit of said fund, to be applied to the uses and purposes of the Ohio state university according to law.

Appropriation for Ohio state university.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed March 18, 1904.

Approved March 21, 1904.

MYRON T. HERRICK,

Governor.

27 G

[Senate Bill No. 7.]

AN ACT

To determine the limits of the third judicial district, to define the subdivisions thereof, to provide for the judges of the courts of common pleas thereof, and to repeal the several laws affecting said district described in section 5 hereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the third judicial district of Ohio shall consist of the counties of Allen, Auglaize, Defiance, Fulton, Henry, Mercer, Paulding, Putnam, Shelby, Van Wert and Williams; and that the counties of Allen, Auglaize, Mercer and Shelby shall constitute the first subdivision thereof; the counties of Henry and Putnam shall constitute the second subdivision thereof, and the counties of Defiance, Fulton, Paulding, Van Wert and Williams shall constitute the third subdivision thereof.

Limits of third judicial district and subdivisions thereof.

Judges of
the court of
common pleas
in original
third district.

SECTION 2. All persons elected as judges of the court of common pleas in and for the third judicial district before the passage of this act, whose terms have not expired or begun, shall hold their respective offices during the terms for which they were respectively elected, and each thereof shall be a judge of said district for that subdivision wherein he resides at the passage of this act, and the successors of each shall be elected by the electors of the several subdivisions, herein defined, as hereinafter provided.

Election and
beginning
of terms of
judges in
first sub-
division.

SECTION 3. The electors of the counties constituting the first subdivision of the third district, as herein defined, shall elect three judges, one of whom shall be elected at the state election in the year 1904, who shall take his office on the 9th day of February, 1905, and two of whom shall be elected at the state election in the year 1908, one of whom shall take his office on the 9th day of January, 1909, and one of whom shall take his office on the 9th day of February, 1909. The electors of the counties constituting the second subdivision, as herein defined, shall elect one judge, who shall be elected at the state election in the year 1908, and shall take his office on the 10th day of May, 1909. The electors of the counties constituting the third subdivision, as herein defined, shall elect three judges, two of whom shall be elected at the state election in the year 1904, and they shall take their respective offices on the 9th day of February, 1905, and one of whom shall be elected at the state election in the year 1906, and he shall take his office on the 9th day of February, 1907. The successors of the respective judges herein provided for shall be elected at the state elections occurring every five years after the several times of election designated in this section.

Same in
second sub-
division.

Same in
third sub-
division.

Vacancies,
how filled.

SECTION 4. Any vacancy that may occur in the office of any of the judges now elected for the third district shall be filled for the unexpired term in which such vacancy may occur, as provided by law; and when any vacancy shall occur in the office of any of the judges provided for in this act, such vacancy shall be filled for the unexpired term in the manner provided by law.

Repeals, etc.

SECTION 5. The act entitled "An act to authorize the election of one additional judge of the court of common pleas in the second subdivision of the third judicial district of the state of Ohio," passed March 1, 1869 (sections 481-27 to 481-31, Bates' R. S.), and sections 1, 3, and 4, of the act entitled "An act to restrict the limits of the third judicial district; to define the several subdivisions thereof; to form a new district within its limits; and to abolish the fourth subdivision thereof," passed June 7, 1879 (sections 481-18, 481-20 and 481-21, Bates' R. S.) and the act entitled "An act to transfer Shelby county from the first subdivision of the third judicial district to the second subdivision of said district," passed March 21, 1869 (sections 481-26, Bates' R. S.) are each hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage, but nothing herein contained shall

affect the times of holding court in said district for the year 1904, or the service, prior to February 9, 1905, of the judges now elected in said district.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed March 17, 1904.

Approved March 21, 1904.

MYRON T. HERRICK.

28G

[Senate Bill No. 10.]

AN ACT

To supplement section 3 of an act entitled, "An act to provide for the organization, regulation, and inspection of building and loan associations, and to repeal certain laws therein named," passed May 1, 1891.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled, "An act to provide for the organization, regulation, and inspection of building and loan associations and to repeal certain laws therein named," passed May 1, 1891, be supplemented with sectional numbering as follows:

Building
and loan
associations:

Sec. 3a. To invest money which may be idle from lack of approved application for loans, or any part thereof, in bond of United States government, or in state, county, or municipal bonds of the state of Ohio, and that said bonds be placed in a safe deposit box in the bank which is the designated depository of said building and loan association, subject, however, to the same restrictions as to withdrawals of said bonds, as are hereafter provided in section 4 requiring the signatures of the president and of the financial secretary to an order to withdraw said funds, provided, however, that such investment shall at no time amount in the aggregate to more than twenty per cent. of the actual assets of the company.

May invest
in bonds.

Restrictions.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed March 18, 1904.

Approved March 21, 1904.

MYRON T. HERRICK,

Governor.
 29 G

[Senate Bill No. 63.]

AN ACT

To supplement section 45 of an act passed by the general assembly of the state of Ohio October 22, 1902, entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith; relative to the sale and delivery of bonds.

Be it enacted by the General Assembly of the State of Ohio:

Municipal
corporations;
taxation.

SECTION 1. That section 45 of an act passed October 22, 1902 (O. L. v. 96, p. 20), entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," be and the same is hereby supplemented by adding the following section:

When money
may be
deemed in
treasury and
in appropriate
fund.

Sec. 45a. Money to be derived from lawfully authorized bonds or notes sold and in process of delivery shall for the purpose set forth in section 45 of this act be deemed in the treasury and in the appropriate fund.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed March 18, 1904.

Approved March 21, 1904.

MYRON T. HERRICK,

Governor.
30G

[House Bill No. 19.]

AN ACT

To amend section 6437 of the Revised Statutes of Ohio, to provide for the time of filing bills of exceptions and petitions in error.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation
of property:

SECTION 1. That section 6437 of the Revised Statutes of Ohio be amended so as to read as follows:

Bills of ex-
ceptions, how
taken and al-
lowed.

Sec. 6437. Bills of exceptions shall be taken and allowed as provided in sections 5301, 5301a, 5301b, and 5302 Revised Statutes of Ohio; and either party may file

a petition in error in the court of common pleas of the proper county within thirty days after the time allowed for such signing of bills of exceptions, and the proceedings in error shall be conducted as in civil actions; but the corporation may on the rendition of final judgment in the probate court, pay into said court the amount of the judgment for compensation, and costs therein rendered, and proceed to enter upon and appropriate property notwithstanding the pendency of the proceedings in error.

Petition in error, when may be filed.

SECTION 2. That section 6437, Revised Statutes of the state of Ohio, be and the same is hereby repealed. This act shall take effect and be in force from and after its passage in all pending cases and causes of action.

Repeals, etc

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed March 18, 1904.

Approved March 21, 1904.

MYRON T. HERRICK,
Governor.
31G

[House Bill No. 80.]

AN ACT

To provide for, maintain and encourage a more efficient national guard.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. For the purpose of providing, maintaining and encouraging a more efficient national guard, each regularly enlisted man in the organized militia of this state shall be paid twenty-five cents for attendance at drill for each regular weekly drill attended, not to exceed forty-eight weeks in one year, and shall be paid quarterly upon the presentation of the proper certified muster and pay-roll to the adjutant general, and upon his approval the state auditor shall issue his warrant upon the treasurer for the amount certified to as above provided in favor of the officer making the certificate as hereinafter provided for. The commanding officer of each company, troop, battery, hospital corps or band shall, at a stated hour during the regular weekly drill, call the roll of his command and keep a record of the members present and absentees, and from this record he shall make in triplicate muster and pay-rolls at the end of each quarter, to which he shall attach his certificate, and forward to the adjutant general. Any enlisted man in the organized militia of this state who wilfully, maliciously, purposely, or through carelessness or neglect permits any of the arms, utensils, clothing, bedding, or other equipment issued to

Enlisted men shall receive pay for attendance at drill.

In certain cases such pay may be withheld.

him, being public property or belonging to the state, to become lost, damaged, or in any other manner unfit for its intended use, the commanding officer of his company, troop, battery or other organization, shall apply so much of said soldier's pay herein provided for as may be required for the replacing, repairing, cleaning or other requirements necessary to place such property in condition for military service.

The adjutant general shall make such regulations and require such bonds and reports, and furnish such blanks as may be necessary to carry out the provisions of this act.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed March 15, 1904.

Approved March 23, 1904.

MYRON T. HERRICK,
Governor.
32G

[Senate Bill No. 79.]

AN ACT

To supplement and amend an act entitled "An act to define maple sugar and maple syrup, to provide against the adulteration thereof, and to provide for the standard of weight of maple syrup," passed April 16, 1900.

Be it enacted by the General Assembly of the State of Ohio:

Adulteration:

SECTION 1. That an act entitled "An act to define maple sugar and maple syrup, to provide against the adulteration thereof, and to provide for the standard weight of maple syrup," passed April 16, 1900, be and the same is hereby amended and supplemented to read as follows:

Maple sugar
and syrup de-
fined.

Sec. 1. That maple sugar, or pure maple sugar, and maple syrup, or pure maple syrup, shall be the unadulterated product produced by the evaporation of pure sap from the maple tree.

Standard of
weight of
maple syrup;
adulteration,
what is.

Sec. 2. The standard of weight of a gallon of maple syrup of 231 cubic inches in the state of Ohio, shall be eleven pounds. Any other substance mixed with maple sugar or maple syrup or any other substance purporting to be maple sugar or maple syrup or maple syrup of less weight than eleven pounds to the gallon of 231 cubic inches shall be deemed to be an adulteration of such substance.

Unlawful to
sell adulter-
ated maple
sugar or syrup.

Sec. 3. Any person who shall manufacture for sale, offer for sale, or have in his possession with intent to sell, or sell or deliver as and for maple syrup or maple sugar any adulteration of maple syrup or maple sugar as

herein defined shall, upon conviction, be punished as provided in section 6 of this act.

Sec. 4. Any person who shall offer for sale, have in his possession with intent to sell, or sell or deliver as and for maple syrup, or as and for maple sugar, any articles which do not bear the name and address of the packer and also the state, territory or country in which the goods were produced, in plain legible type upon the label, shall upon conviction, be punished as provided in section 6 of this act.

Package must bear label of packer; what label to contain.

Sec. 5. Any person who shall offer for sale, have in his possession with intent to sell, or sell or deliver any adulteration of maple syrup or maple sugar in any box, can, bottle or other package having the word "Maple" or any compounding of this word, as the name or part of the name of the syrup or sugar or any device or illustration suggestive of maple syrup or sugar or the manufacture thereof, shall, upon conviction, be punished as provided in section 6 of this act.

Fraudulent use of word "Maple".

Sec. 6. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than two hundred dollars and shall pay the costs of prosecution.

Penalty.

SECTION 2. The above mentioned original act passed April 16, 1900, is hereby repealed and this act shall take effect sixty days after its passage.

Repeals, etc.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 24, 1904.

Approved March 24, 1904.

MYRON T. HERRICK,
Governor.
33G

[House Bill No. 47.]

AN ACT

To provide for the payment of bonds and interest on bonds issued by the Ohio state board of agriculture.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated out of any money in the treasury, to the credit of the general revenue fund, not otherwise appropriated, the following sums, for the purpose of paying the debt of the Ohio state

Appropriation to pay bonds and interest on bonds issued by Ohio state board of agriculture.

board of agriculture, as herein named: To redeem bonds of said board authorized by act of the general assembly passed April 12, 1898, payable September 1, 1904, eight thousand (\$8,000) dollars; to pay one year's interest on sixty-four (\$64,000) dollars remaining unpaid of the total issue of bonds of eighty thousand (\$80,000) dollars, authorized by said act, due March 1 and September 1, 1904, three thousand two hundred (\$3,200) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed March 29, 1900, payable September 1, 1904, twelve thousand (\$12,000) dollars; to pay one year's interest on ninety-six thousand (\$96,000.00) dollars remaining unpaid of the total issue of bonds of one hundred and twenty thousand (\$120,000) dollars authorized by said act, due March 1 and September 1, 1904, four thousand eight hundred (\$4,800) dollars; to redeem bonds of said board authorized by act of general assembly, passed April 12, 1898, payable September 1, 1903, eight thousand (\$8,000) dollars; to pay one year's interest on fifty-six thousand (\$56,000) dollars unpaid bonds, authorized by said act, due March 1, and September 1, 1905, two thousand eight hundred (\$2,800) dollars; to redeem bonds of said board authorized by act of the general assembly, passed March 29, 1900, payable September 1, 1905, twelve thousand (\$12,000) dollars, and to pay one year's interest on eighty-four thousand (\$84,000) dollars unpaid bonds authorized by said act due March 1 and September 1, 1905, four thousand two hundred (\$4,200) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed March 17, 1904.

Approved March 24, 1904.

MYRON T. HERRICK,
Governor.
34G

[House Bill No. 147.]

AN ACT

To amend section 1 and 2 of an act entitled "An act supplementary to section 2732 of the Revised Statutes of Ohio," passed March 27, 1888.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1 and 2 of an act entitled, "An act supplementary to section 2732 of the Revised Statutes of Ohio," passed March 27, 1888, be amended so as to read as follows:

Definitions
and property
to be taxed:

Sec. 1. That all lands in the state of Ohio, on which are situated any prehistoric earthworks, or upon which was erected and still stands an historic building which is preserved in commemoration of historic events in the settlement and development of the state of Ohio, and which have been or may hereafter be purchased by any person, association or company for the purpose of the preservation of said earthworks or historic building and are not held for profit but are or shall be dedicated to public uses as prehistoric parks or as historic grounds, shall be exempted from taxation.

Public parks
containing pre-
historic earth-
works or his-
toric building
exempt from
taxation.

Sec. 2. The owners of such prehistoric parks or historic grounds may establish all reasonable rules governing access to said parks or historic grounds; and any person wilfully violating such rules or injuring such works, or any structure, trees or plants in said park or historic grounds, shall be fined in any sum not exceeding fifty dollars, or imprisoned not exceeding sixty days, or both, and shall also be liable to the owners of said parks or historic grounds, in a civil action for all damages caused by such person.

Rules govern-
ing access to
such parks;
penalty for
violation there-
of.

SECTION 2. That said original sections 1 and 2 are hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed March 24, 1904.

Approved March 25, 1904.

MYRON T. HERRICK,
Governor.
35G

[House Bill No. 123.]

AN ACT

Making an appropriation for Ohio building on the grounds of the Louisiana purchase exposition in St. Louis, Missouri.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for completing and furnishing Ohio building on grounds of Louisiana purchase exposition.

SECTION 1. That there be and is hereby appropriated out of any money in the treasury of the state of Ohio, to the credit of the general revenue fund, not otherwise appropriated, the sum of twelve thousand five hundred dollars (\$12,500) for completing and furnishing the Ohio building on the grounds of the Louisiana purchase exposition in St. Louis, Missouri, and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by a majority of the commission and countersigned by the executive commissioner, which shall set forth in itemized form the service rendered or material furnished or expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed March 24, 1904.
Approved March 25, 1904.

MYRON T. HERRICK,
Governor.
36G

[Senate Bill No. 16.]

AN ACT

To amend section 87 of an act entitled "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 87 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, shall be and hereby is amended so as to read as follows:

Municipal
corporations;
assessments.

Sec. 87. Council may, if it deems expedient, by ordinance assess the real estate as provided in the ordinance to improve, and cause such assessments to be collected, or, at its option, may issue bonds in anticipation of the collection of such assessments, before the work is done or contracted for. Or council may, at its option, delay such assessments until the work is completed, and then, upon the certificate of the engineer showing the completion of the work, by ordinance assess the real estate as provided in the ordinance to improve. Any person so assessed shall have the option of paying his proportion of the assessment in cash within the period of thirty days from the date of the levy thereof upon due notice being given.

Ordinance
for assessment
of costs; bonds
in anticipation
of collection of
assessments.

SECTION 2. That said original section 87 shall be and is hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed March 24, 1902 [4].

Approved March 25, 1904.

MYRON T. HERRICK,
Governor.
37G

[Senate Bill No. 15.]

AN ACT

To amend section 709, of the Revised Statutes of Ohio, relating to the care of insane persons.

Asylums for
the insane:

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 709 of the Revised Statutes of Ohio be, and the same is hereby amended so as to read as follows:

When patient
may be dis-
charged.

Sec. 709. On consent and advice of the trustees, the superintendent may discharge any patient from any state hospital for the insane, when he deems such discharge proper and necessary; provided, no patient who in the judgment of the superintendent has homicidal or suicidal propensities, shall be discharged. When, in the opinion of the superintendent, the condition of any patient at the time of discharge, is such as to justify such action, he may permit such patient to go to his home, or leave the institution unattended; and if such patient is not financially able to bear his own expenses, the superintendent of such institution may furnish the patient sufficient sum to pay his traveling expenses, and charge the same to the current expense fund of the institution; such sum in no case shall exceed twenty dollars. In all cases requiring an escort, should neither the patient nor the friends of the patient be financially able to bear the expense of his removal, the superintendent shall give notice to the probate judge of the county of which the patient is an inhabitant, and said probate judge shall forthwith issue his warrant to some suitable person, giving the friends of patients the preference, which warrant shall read as follows:

When may
be discharged
unattended.

Provision
for traveling
expenses of
patient unable
to pay same.

Discharge of
patient re-
quiring an
escort.

Warrant for
removal.

The State of Ohio, _____ County, ss.,
Office of the Probate Judge of said county.

The proper authority having directed that _____
a patient from this county, in the state hospital for the insane
at _____ be removed therefrom.

You are commanded forthwith to remove said patient
and return him to his home in said state.

Witness my hand and official seal this _____ day
of _____ 190—.

_____. A. B. Probate Judge.

Upon receipt of said warrant, the person to whom it is
directed, shall forthwith execute it, and return it to the pro-

bate judge, by whom it was issued, and said probate judge shall ascertain and fix the allowance to the person executing such warrant, for expenses and fees, and certify the same to the county auditor, who shall draw his warrant therefor on the county treasurer. In the case of any patient having no known homicidal or suicidal propensities, the superintendent is authorized, whenever he deems the best interest of such patient to require it, to permit said patient to leave the institution on a trial visit, not in any case to exceed ninety days, the patient being returnable at any time within that date, should (such) return be necessary, without further legal proceedings. The removal of such patient on such trial visit shall be made in the same manner as provided in this section for the removal on discharge, and when return from such visit is necessary, and neither the patient nor the friends of the patient are financially able to bear the expense, said return shall be made on the warrant of the probate judge, in the same manner as provided herein in the case of discharged patients in like circumstances.

SECTION 2. That said original section 709 of the Revised Statutes of Ohio be, and the same is hereby repealed.

Fees and expenses.

Certain patients permitted to leave institution on trial visit.

Expenses.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed March 24, 1904.
Approved March 25, 1904.

MYRON T. HERRICK,
Governor.
38G

[House Bill No. 224.]

AN ACT

To authorize county commissioners to issue bonds and levy a tax for the purpose of rebuilding, replacing or constructing anew any bridge or bridges condemned or ordered removed by the war department of the United States.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of any county having control of any bridge or bridges which have been condemned or ordered removed by the war department of the United States, under authority of law, as an obstruction to navigation, shall have power to remove such bridge or bridges and to rebuild or replace the same or construct a

County commissioners authorized to remove and rebuild bridges condemned by United States war department.

new bridge or bridges over the stream or streams crossed by the bridge or bridges so condemned or ordered removed; and for this purpose such commissioners shall have power to purchase or appropriate property, in the manner provided by law, to widen the channels of such stream or streams.

Bonds may
be issued.

SECTION 2. For the purpose of supplying funds necessary to do the work herein authorized, the county commissioners of any county shall have authority to issue bonds payable not later than twenty years from date and bearing interest at a rate not exceeding four per cent. per annum, in an aggregate amount not to exceed two hundred thousand (\$200,000) dollars and to levy a tax upon all the real and personal property of the county to pay the interest and provide a sinking fund for the final redemption of such bonds; and such bonds and taxes shall be in addition to all other issues or levies now authorized by law.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 24, 1904.

Approved March 26, 1904.

MYRON T. HERRICK,
Governor.
39G

[House Bill No. 193.]

AN ACT

To appropriate money for building a culvert under the Miami and Erie canal and to grant relief to Hannah Brown by reason of the overflow of her lands from said canal.

Preamble.

WHEREAS, The state of Ohio, through its agents and servants caused an aqueduct or culvert running under the Miami and Erie canal, at or near the center of the west line of Sec. No. 3, Washington township, Paulding county, Ohio, to be closed up, and

WHEREAS, By reason of the closing up of said aqueduct or culvert the south half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$) and all that part of the west half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of said section No. 3 east of said Miami and Erie canal and containing in all 105 acres of land, owned by

the said Hannah Brown, have had no drainage, and have thereby been flooded and the crops thereon destroyed, and,

WHEREAS, The flooding of said lands have caused great loss to the said Hannah Brown and sickness in her family, therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and hereby is appropriated out of any money of the state treasury to the credit of the general revenue fund, and not otherwise appropriated the sum of twelve hundred and fifty dollars to be paid to Hannah Brown, of Washington township, Paulding county, Ohio, for the loss so sustained. The auditor of state is hereby authorized to draw his warrant on the state treasury in favor of the said Hannah Brown for the sum hereby appropriated. There is also hereby appropriated out of any money in the state treasury to the credit of the general revenue fund and not otherwise appropriated the further sum of seven hundred and fifty (\$750.00) dollars which sum, or so much thereof as is necessary shall be used by the board of public works for the purpose of building a new aqueduct or culvert under the Miami and Erie canal at or near the center of the west line of section No. 3, Washington township, Paulding county, Ohio.

Appropriation
for Hannah
Brown.

Appropriation
for board of
public works.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed March 24, 1904.

Approved March 26, 1904.

MYRON T. HERRICK,
Governor.
40G

[Senate Bill No. 95.]

AN ACT

To reimburse the village of Spencerville, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the sum of one hundred and two (\$102.00) dollars for the purpose hereinafter specified, be and the same is hereby appropriated out of any moneys in

Appropriation
to reimburse
village of
Spencerville.

the state treasury to the credit of the general revenue fund not otherwise appropriated, and that the auditor of state be, and is hereby authorized to issue his warrant on the state treasurer for said sum of one hundred and two (\$102.00) dollars, in favor of the village of Spencerville, Ohio, to reimburse said village for constructing eight hundred and sixteen (816) square feet of concrete and cement sidewalks, abutting property in said village, belonging to the state.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed March 24, 1904.

Approved March 26, 1904.

MYRON T. HERRICK,
Governor.
41G

[Senate Bill No. 75.]

AN ACT

To reimburse city of Nelsonville, Ohio, for cost of culvert and sewer through canal and state grounds.

Preamble.

WHEREAS, The state of Ohio has permitted the culvert under the canal and through state grounds at Nelsonville, Ohio, to fall into decay, and as said culvert took care of the water received from the natural watercourse, and

WHEREAS, It became necessary to keep the city from being flooded, to rebuild the culvert and sewer, and

WHEREAS, The city has rebuilt said culvert and sewer, - therefore

Be it enacted by the General Assembly of the State of Ohio:

Appropriation
to reimburse
city of Nelson-
ville.

SECTION 1. That the following sum for the purpose hereinafter specified, be and the same is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

City of Nelsonville, Ohio; to reimburse for cost of culvert and sewer through canal and state grounds, \$1,073.00.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 24, 1904.

Approved March 26, 1904.

MYRON T. HERRICK,
Governor.

[House Bill No. 155.]

AN ACT

To amend section 4759 of the Revised Statutes of Ohio, relative to repairing of roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4759 of the Revised Statutes of Ohio be amended so as to read as follows:

Turnpikes:

Sec. 4759. The roads established and constructed under this chapter shall be opened not more than sixty nor less than forty feet wide, and at least twenty feet in width shall be turnpiked with earth so as to drain freely to the sides, and raised with stone, brick, gravel or other material equally as good not less than eight nor more than sixteen feet in width, nor less than twelve inches thick in the center, and not less than eight inches thick at the outer edges of such bed of stone, brick or gravel, well compacted together in such manner as to secure a firm, even and substantial road; but the commissioners may, in their discretion, cause the road to be constructed wholly of earth, when stone, brick or gravel or other material equally as good is not accessible to the line of the road; in no case shall the grade of ascent or descent on the road be greater than seven degrees;

Manner in which road must be constructed.

[Bridges and Culverts.] The road shall be well provided with all necessary side drains, waste-ways and under drainings, to prevent overflowing or washing by water and with substantial bridges or culverts at all crossings of water-courses; which bridges and culverts shall be built as a part of said road, and paid for out of said turnpike funds. But any such bridges (substructure and superstructure inclusive) the estimated cost of which exceeds five hundred dollars, shall be erected and let separate from the rest of the work, in accordance with the provisions of chapter I of title VI, part one of the Revised Statutes of Ohio. The provisions of section eight hundred and seventy-seven, and section two thousand eight hundred and twenty-five, and section two thousand eight hundred and thirty-four *b* (2834*b*) of the Revised Statutes shall not apply to the making of any of the improvements under this chapter. (74, v. 145; R. S. of 1880; 95, v. 216.)

Bridges and culverts.

SECTION 2. That said original section 4759 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed March .., 1904.

Approved March 31, 1904.

MYRON T. HERRICK,

Governor.

44G

[House Bill No. 207.]

AN ACT

To amend section 1158 of the Revised Statutes of Ohio, providing for the payment of compensation to the recorder for transcribing defaced or injured records.

Be it enacted by the General Assembly of the State of Ohio:

County re-
corder:

SECTION 1. That section 1158 of the Revised Statutes of Ohio be amended so as to read as follows:

Compensation
for services
ordered by
county com-
missioners.

Sec. 1158. The recorder for services directed to be performed by the commissioners in transcribing the records of other counties, and transcribing defaced or injured records, shall receive such compensation as the commissioners determine, not exceeding six cents for every hundred words; and for transcribing defaced or injured records of plats, not exceeding fifty cents for the first six lines and three cents for each additional line; a line for the purposes of this section to be such portion of such record as can be drawn by a continuous stroke of the pen without change of the rule, regardless of intersecting lines; and for making the general indexes provided for herein, such sum as is fixed by the commissioners; and they shall allow the recorder his necessary expenses in transcribing records in other counties.

Repeals.

SECTION 2. That said original section 1158 be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 29, 1904.

Approved March 31, 1904.

MYRON T. HERRICK,
Governor.
45G

[House Bill No. 393.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for general assembly.

SECTION 1. That there be and is hereby appropriated from any money in the state treasury to the credit of the general revenue fund, and not otherwise appropriated the sum of fifty thousand (\$50,000.00) dollars for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employees of the general assembly; forty-five hundred (\$4,500.00) dollars for contingent expenses of the house; three thousand (\$3,000.00) dollars for

contingent expenses of the senate; and one thousand (\$1,000.00) dollars for expenses of legislative committees.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 29, 1904.

Approved March 31, 1904.

MYRON T. HERRICK,
Governor.
46G

[Senate Bill No. 65.]

AN ACT

To amend sections 202 and 202a of the Revised Statutes of Ohio, relating to the powers and duties of the attorney-general.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 202 of the Revised Statutes be amended so as to read as follows: Attorney-general:

Sec. 202. The attorney-general shall be the chief law officer for the state and all its departments. No state officer, board or the head of any department or institution of the state shall have authority to employ, or be represented by, any other counsel or attorney-at-law. The attorney-general shall appear for the state in the trial and argument of all causes, civil and criminal, in the supreme court wherein the state may be directly or indirectly interested; and when required by the governor or general assembly, he shall also appear for the state in any court or tribunal in any cause in which the state is a party or in which the state is directly interested; and upon the written request of the governor, he shall also prosecute any person indicted for any crime. Duties.

SECTION 2. That section 202a of the Revised Statutes be amended so as to read as follows:

Sec. 202a. The attorney-general shall have power to appoint the assistants and employes for his department hereinafter enumerated, who shall serve for the term for which he is elected unless sooner removed by him. They shall perform such duties, not otherwise provided by law, as may be assigned them by the attorney-general in furtherance of the discharge of his duties for the state or as legal adviser for the several officers, departments, and institutions thereof: Assistant attorney-generals.
A first assistant attorney-general who shall be an attorney-at-law. In case of the absence or disability of the attorney-general, the first assistant shall have power to perform the duties of the attorney-general. He shall receive a salary of three thousand dollars per annum. First assistant. ant. powers, duties and salary.
A second assistant attorney-general who shall be an attorney-at-law, and who shall receive a salary of twenty- Second assistant and chief clerk; salaries.

Bonds.

five hundred dollars per annum. A chief clerk, who shall be an attorney-at-law and who shall receive a salary of one thousand five hundred dollars per annum. Said first assistant attorney-general and second assistant attorney-general and chief clerk shall each give a bond to the state of Ohio in the sum of five thousand dollars to the approval of the attorney-general conditioned upon the faithful discharge of their respective duties, and such bonds shall be filed with and kept by the secretary of state.

Stenographers.

Two stenographers who shall each receive a salary of one hundred dollars per month.

Messenger.

One messenger who shall receive a salary of fifty dollars per month.

Special counsel.

In addition to the regular assistants and employes above provided, the attorney-general shall have power to employ special counsel to represent the state in civil actions, criminal prosecutions or other proceedings in which the state is a party or directly interested, whenever in his judgment, the interest of the state demand such employment. The special counsel so employed shall be paid for their services out of any funds appropriated by the general assembly for such purpose.

Attorney-general's expenses.

And the attorney-general shall be allowed out of such funds five hundred dollars for expenses in addition to all other salary or compensation now allowed by law.

Repeals.

SECTION 3. Said original sections 202 and 202a of the Revised Statutes, and all other acts or parts of acts inconsistent herewith are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 29, 1904.

Approved March 31, 1904.

MYRON T. HERRICK,
Governor.
47G

[Senate Bill No. 86.]

AN ACT

To amend section 3700 of the Revised Statutes of Ohio relating to agricultural societies.

Be it enacted by the General Assembly of the State of Ohio:

Agricultural corporations:

SECTION 1. That section 3700 of the Revised Statutes of Ohio be amended so as to read as follows:

County societies erected into corporations.

Sec. 3700. All county societies which have been, or may hereafter be organized, are declared bodies corporate and politic, and as such, shall be capable of suing and being sued, and

of holding in fee simple such real estate as they have heretofore purchased, or may hereafter purchase, as sites whereon to hold their fairs. Such societies shall have the right to mortgage the grounds of the society for the purpose of renewing or extending pre-existing debts, and for the purpose of furnishing money to purchase additional land. Providing that where the county commissioners have paid money out of the county treasury to aid in the purchase of the site of said grounds, no mortgage shall be given without the consent of said commissioners.

May mortgage real estate to renew debts; proviso.

SECTION 2. That said original section 3700 of the Revised Statutes of Ohio be, and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed March 29, 1904.

Approved March 31, 1904.

MYRON T. HERRICK,

Governor.

48G

[House Bill No. 189.]

AN ACT

To amend section 3631a of the Revised Statutes of Ohio, excepting mutual burial associations from certain requirements of sections 3630a to 3631 of the Revised Statutes, relative to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3631a of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Life insurance companies:

Sec. 3631a. The provisions of section 3630a to section 3631 inclusive, shall not apply to any association of religious or secret societies, or to any class of mechanics, express, telegraph or railroad employes, or ex-union soldiers formed for the mutual benefit of the members thereof and their families or blood relatives exclusively or for purely charitable purposes; nor shall such sections, nor any other laws relating to insurance companies, apply to any association formed for the exclusive purpose of providing for the payment of the funeral expenses of the members of such associations by assessments upon such members when the amount of such payment on account of any one member does not exceed the sum of one hundred dollars, and when the membership of such associations is limited to the county in which such association is organized; and provided, that any such association or class which may desire to become subject to the provisions of section 3630a, 3630c and 3630d of the Revised Statutes of Ohio, may file with the superintendent of insur-

Mutual benefit, etc., societies excepted.

When association may become subject to insurance laws.

ance notice in writing of such desire, signed by the president of such association or class, and attested by the secretary thereof; and thereupon, such association or class shall become subject to all the terms and provisions of said sections 3630a, 3630c and 3630d of said Revised Statutes; the superintendent of insurance shall thereupon immediately provide such an association or class with proper blanks for furnishing the statement of the condition of such association or class, as provided in said section 3630a, and such association or class shall make such report within sixty days thereafter, and thenceforward, annually, as in case of other insurance companies, which report shall be included by said superintendent of insurance in his annual tabulated report, in the same manner as the reports of other companies and subject to the fees prescribed in section 282 of the Revised Statutes of Ohio; provided further, that the treasurer of any association or class which shall avail itself of the benefits of this enactment shall be required to give bond in the same manner as provided in section 3631, Revised Statutes of Ohio; said bond to be conditional, approved and renewed, as provided in said section.

Repeals.

SECTION 2. That said original section 3631a of the Revised Statutes of Ohio be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed March 29, 1904.

Approved March 31, 1904.

MYRON T. HERRICK,

Governor.

49G

[Senate Bill No. 187.]

AN ACT

To amend section 1442 Revised Statutes as amended March 17th 1904, and to provide that assessors now in office in municipalities shall continue therein until the election and qualification of their successors.

Be it enacted by the General Assembly of the State of Ohio:

Officers of civil townships:

SECTION 1. That section 1442 Revised Statutes of Ohio as amended March 17th 1904, be amended so as to read as follows:

Township officers and justices of the peace; election and beginning of term.

Sec. 1442. Township officers and justices of the peace shall be elected on the first Tuesday after the first Monday of November, annually, in the manner provided by law. All township officers hereafter elected shall begin their respective terms on the first Monday in January, after their election, and all township officers now holding office, including

assessors in municipalities who are serving as such by appointment, and those hereafter elected shall hold their offices until their successors are elected and qualified.

SECTION 2. That said original section 1442 of the Revised Statutes of Ohio as amended March 17th 1904 be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 29, 1904.

Approved March 31, 1904.

MYRON T. HERRICK,
Governor.
50G

[House Bill No. 204.]

AN ACT

To care for injured persons at mines.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. It shall be the duty of operators or superintendents to keep at the mouth of drift, shaft or slope, where more than ten miners are employed, or at such other place about the mine as shall be designated by the state or district mine inspector, a stretcher properly constructed, and a woolen blanket and a waterproof blanket in good condition, for use in carrying away any person who may be injured at the mine.

*Provision for
the care of
persons in-
jured at
mines.*

Provided, That where more than four hundred persons are employed, two stretchers and two woolen blankets and two waterproof blankets shall be kept. And in mines generating fire damp a sufficient quantity of linseed or olive oil, bandages and linen shall be kept in store at the mine for use in emergency, and bandages shall be kept at all mines.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 31, 1904.

Approved April 1, 1904.

MYRON T. HERRICK,
Governor.
51G

[House Bill No. 200.]

AN ACT

To amend section 1 of an act entitled "An act to create the office of dairy and food commissioner, provide for his election, term of office, duties, salaries, expenses, office, disposition of fines collected, annual reports, etc." as amended April 19, 1894.

Be it enacted by the General Assembly of the State of Ohio:

Dairy and
food commis-
sioner:

SECTION 1. That section one of an act entitled "An act to create the office of dairy and food commissioner, provide for his election, term of office, duties, salaries, expenses, office, disposition of fines collected, annual reports, etc." as amended April 19, 1894, be amended to read as follows:

Sec. 1. That there is hereby created the office of dairy and food commissioner of the state of Ohio. Said commissioner shall be elected at the general election held on the first Tuesday after the first Monday in November, A. D., one thousand eight hundred and ninety-six. He shall take his office on the first Tuesday following the fifteenth day of February next after his election and shall serve for two years, and until his successor is elected and qualified. He shall be charged with the enforcement of all laws against fraud and adulteration or impurities in foods, drinks or drugs, and unlawful labeling in the state of Ohio. His salary shall be three thousand five hundred dollars per year, and his necessary and reasonable expense incurred in the discharge of his official duties, to be paid in monthly installments at the end of each calendar month.

Salary and ex-
penses of
dairy and food
commissioner.

Provided however that said salary and expenses provided for herein shall be in full of all amounts received by said commissioner from all sources whatsoever, and said necessary and reasonable expenses shall not exceed the sum of seven hundred and fifty dollars in any one year.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed March 31, 1904.

Approved April 1, 1904.

MYRON T. HERRICK,

Governor.

52G

[Senate Bill No. 100.]

AN ACT

To amend sections 4774, 4777, 4788 and 4791 and to repeal section 4812 of the Revised Statutes of Ohio relating to one-mile assessment pikes.

Be it enacted by the General Assembly of the State of Ohio:

One-mile as-
sessment
pikes:

SECTION 1. That sections 4774, 4777, 4788 and 4791 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 4774. Free turnpike roads shall be authorized, and commissioners appointed to lay out and establish the same in the following manner; a majority of all the landholders residing in the county, who own lands lying within the bounds of any free turnpike, as provided in this chapter, shall present a petition to the board of county commissioners at any regular or special session, asking the appointment of commissioners to lay out and establish a free turnpike road between any points within such county; and stating therein that they desire the county commissioners to levy an extra tax, the amount of which shall not exceed ten mills on the dollar valuation in any year, on the lands and taxable property within the bounds of the road, and also the number of years they desire the levy to continue, not exceeding twenty-five years; and they shall satisfy the commissioners that public notice has been given by advertisement in some newspaper of general circulation in such county, of such intended application, for at least four consecutive weeks preceding the hearing of such application.

**Petition for
free turnpike.**

**Notice of ap-
plication.**

Sec. 4777. The board of county commissioners shall immediately thereafter transmit to the auditor of the county said map, profile and statement as returned to them by the road commissioners, and shall at the same time direct the auditor to levy upon the grand duplicate of the county, for the purpose of constructing, improving and repairing such road, the amount of the tax, and for the number of years petitioned for; and the auditor shall enter the same upon the duplicate for collection, on all the lands and taxable property within the bounds of the road, as laid out and established, in the same manner and subject to the same penalties and forfeitures as other taxes are entered thereon for purposes of collection; but no such tax shall be levied for an amount or for a term of years greater than that set forth in the petition.

**Levy of taxes
to construct
and repair
such turnpike.**

Sec. 4788. So much of the taxes annually levied for road purposes by the trustees of townships which may be collected within the bounds of any free turnpike road, including the two days' labor authorized by law, shall be applied in the construction of said road under the direction of the road commissioners, and the payment of the principal and interest of bonds, if any have been issued therefor.

**How township
road tax and
labor applied.**

Sec. 4791. So much of the taxes mentioned in section 4788 levied and collected on taxable property within the bounds of any free turnpike located under the provisions of this chapter, which is not discharged in labor, and which is paid into the county treasury, shall be paid by the treasurer, upon the warrant of the county auditor, to the road commissioners of such free turnpike to be expended by them in constructing such free turnpike road, and applied to the payment of the principal and interest of bonds, if any shall have been issued therefor; and this provision shall

**Road tax paid
into county
treasury to
be refunded.**

apply to such taxes as shall have been levied heretofore and have not been paid to township trustees. When two or more free turnpike roads meet or cross each other, the county commissioners of any county through or in which any such roads, or any part thereof, may be located, may make such equitable division or apportionment of the taxes, other than extra taxes, among such roads as they deem proper, the same to be discharged in labor in the construction of such road under the direction of the road commissioners, or paid to them in money, as hereinbefore provided.

Repeals.

SECTION 2. That sections 4774, 4777, 4788, 4791, and 4812 of the Revised Statutes be, and the same are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 31, 1904.
Approved April 1, 1904.

MYRON T. HERRICK,
Governor.
53G

[House Bill No. 345.]

AN ACT

To authorize cemetery associations to sell lands upon which to erect public monuments or memorials to distinguished deceased persons; to exempt the same from sale for debt and to supplement sections 3575 and 3578 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

**Cemetery as-
sociations:**

SECTION 1. That section 3575 of the Revised Statutes of Ohio be supplemented by Sec. 3575a as follows:

**Association
authorized to
sell land to be
used as site
for public
monument.**

Sec. 3575a. That any cemetery association organized under the laws of Ohio is hereby authorized to sell and convey by deed in fee simple to any corporation organized not for profit under the laws of this state for the purpose of erecting and maintaining a public monument or memorial to any distinguished deceased person, such portion of the real estate of said cemetery association as may be selected and agreed upon between the cemetery association and said corporation, and which is not used by said cemetery association, and has not been theretofore disposed of by it for burial purposes; said sale to be at such price, payable in such manner and upon such terms as may be agreed upon between the cemetery association and such corporation. And the land so sold and conveyed shall thereafter be exclusively owned, held and controlled by the corporation so purchasing the same for the interment of such distinguished deceased person, and for the

erection and maintenance thereon of such monument or memorial and for no other purposes.

SECTION 2. That section 3578 of the Revised Statutes of Ohio shall be supplemented by Sec. 3578a as follows:

Sec. 3578a. Any lands which may be sold and conveyed under the provisions of Sec. 3575a, so long as they are held and used for the purposes designated in said section, shall not be mortgaged, nor shall the same be subject to sale for debt on execution or otherwise.

Such land shall not be mortgaged nor sold on execution.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 31, 1904.
Approved April 1, 1904.

MYRON T. HERRICK,
Governor.

54G

[House Bill No. 81.]

AN ACT

To amend section 6842 of the Revised Statutes of Ohio, relating to embezzlement.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6842 of the Revised Statutes of Ohio, as amended April 29, 1902, be amended so as to read as follows:

Offenses against property:

Sec. 6842. An officer, attorney-at-law, agent, clerk, guardian, executor, administrator, trustee, assignee in insolvency, officer of any lodge or subordinate body of any fraternal or mutual benefit society, servant or employe of any person, except apprentices or persons under eighteen years of age, who embezzles or converts to his own use, or fraudulently takes or makes away with, or secretes with intent to embezzle or convert to his own use, anything of value which shall come into his possession by virtue of his appointment or employment as such officer, attorney-at-law, agent, clerk, guardian, executor, administrator, trustee, assignee in insolvency, officer of any lodge or subordinate body of any fraternal or mutual benefit society, servant or employee of any person, and any officer, elected or appointed to an office of public trust or profit in this state, or an agent, clerk, servant or employe of such officer or of a board of such officers, who embezzles or converts to his own use, or conceals with such intent, anything of value that shall come into his possession by virtue of his office or employment, is guilty of embezzlement, and if the total value of the property embezzled in the same continuous employment or term of office, whether embezzled at one time or at different times, if within three years prior to the inception of the prosecution amounts to

Embezzlement; fraudulent conversion; penalty therefor.

or exceeds thirty-five dollars, shall be imprisoned in the penitentiary not more than ten years nor less than one year, or, if such total value is less than thirty-five dollars, be fined not more than two hundred dollars, or imprisoned not more than thirty days, or both.

Repeals.

SECTION 2. That section 6842 of the Revised Statutes of Ohio, as amended April 29, 1902 (95 O. L. 303), be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed March 31, 1904.

Approved April 1, 1904.

MYRON T. HERRICK,
Governor.
55G.

[Senate Bill No. 112.]

AN ACT

To provide for the protection of persons injured by mad dogs.

Be it enacted by the General Assembly of the State of Ohio:

Provision for
reimburse-
ment of ex-
penses paid by
person injured
by mad dog.

SECTION 1. That any person who shall be bitten or injured by a dog or canine, which at the time of the biting or injury to said person was suffering from or afflicted with what is known as rabies, and which said bite or injury by said dog or canine, caused said person to employ medical or surgical treatment, and required of said person the expenditure of money in the care and treatment resulting from said bite or injury, may present a detailed and itemized account of the actual expenses incurred and amount paid for medical and surgical attendance, verified by affidavit of said injured person administrator or executor and attending physician: but if said injured person be a minor the said affidavit must be made by the parent of said minor or his duly appointed and qualified guardian, attending physician or administrator or executor. Said detailed statement as aforesaid must be presented within four months after the injury was received, at a regular meeting of the county commissioners of the county where the said injury was received.

From what
fund money to
be drawn.

The county commissioners shall, within a reasonable time and not later than the third regular meeting after the presentation of said verified account as aforesaid, examine the same, and if found in whole or in part correct and just, may in their discretion order the payment thereof, or such parts as they may have found in their judgment correct and just, to be paid out of the fund created by the per capita tax on dogs, but no one person shall receive for any one injury

under this act a sum exceeding five hundred (\$500.00) dollars.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed March 29, 1904.

Approved April 4, 1904.

MYRON T. HERRICK,
Governor.
56G

[Senate Bill No. 89.]

AN ACT

To provide for the establishment and maintenance of a home for indigent ex-soldiers, sailors, and marines of Ohio, with their wives and widows of ex-soldiers and marines and army nurses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be established at Madison, Lake county, state of Ohio, on a tract of land containing fifteen acres which has been deeded to the state of Ohio by the National Women's Relief Corps of the United States, the title to which in the state has been approved by the attorney-general of the state of Ohio, an institution under the name of The Home of the Ohio Soldiers, Sailors, Marines, their Wives, Mothers and Widows; and Army Nurses. Provided that the benefits of this act shall not extend to persons who are now the inmates of any home or institution established by the state or national government for the care of soldiers, sailors and marines, and provided further that the present inmates of said Madison Ohio Home shall be entitled to all the benefits of this act.

Establishment
of the home
of the Ohio
soldiers, sail-
ors, marines,
etc.

SECTION 2. All honorably discharged soldiers, sailors and marines, who served the United States government in the civil war, from 1861 to 1865, and who are citizens of Ohio, at the date of the passage of this act, and are not able to support themselves, and their wives, to whom they were married at any time prior to the year 1870, the dependent mothers of such soldiers, their widows who were married prior to the year 1870, and army nurses of said war, and who are residents of Ohio, may be admitted to the home established by this act, under such rules and regulations as may be adopted by the board of managers hereinafter provided for; provided, that preference shall be given to those who served in Ohio military organizations. And in case any of the said soldiers, sailors or marines who have been admitted to said home, shall die, leaving their wives surviving them,

Who may be
admitted to
such home.

their wives shall be permitted, under such rules and regulations as may be adopted by the said board, to live in, and be supported at said home.

Appointment
of board of
managers.

SECTION 3. The governor of the state shall, immediately upon the passage of this act, appoint, by and with the advice and consent of the senate, five citizens, who shall constitute the board of managers for the said home, whose term of office shall be for five years, and until their successors are appointed and qualified, except those first appointed, one of whom shall hold his office for one year, one for two years, one for three years, one for four years, and one for five years, commencing from the date of confirmation, the length of the term of service of each to be designated in his appointment, and as the term of each expires, his successor shall be appointed for five years.

Meetings of
board, organ-
ization, etc.

SECTION 4. The first meeting of said board shall be ordered by the governor, and thereafter shall be fixed by the member thereof. Before entering upon the discharge of their duties, the members of said board shall take and subscribe an oath of office, which shall be entered upon the journal of the said board. In all meetings of the board a majority of the members shall constitute a quorum. The board shall organize by electing one of their members president, and also a secretary and a steward, the latter two of whom may or may not be members of said board; and said officers shall serve for one year, or until their successors are elected and qualified.

Steward.

SECTION 5. The said steward, before entering upon the discharge of the duties of his office, shall give bond to the state of Ohio in the sum of fifty thousand (\$50,000.00) dollars, with good and sufficient surety, to be approved by the governor, and deposited with the treasurer of state, conditioned for the faithful discharge of his duties as steward of said board, and that he will properly account for and pay over all moneys that may come into his hands by virtue of said office; and he shall be governed by the provisions of chapter 3, title 5, part first, of the Revised Statutes of Ohio.

Powers of
board of man-
agers.

SECTION 6. The said board of managers shall have power to make all contracts, in its own name, for all purposes incident to such home; and shall have power to accept and receive, and hold in trust, for the use of said home, any and all contributions, gifts and bequests, of lands, buildings or money; and if any such donation of property be made and accepted by the board, it shall be conveyed in fee simple to the state of Ohio, without any incumbrance or condition, other than that the same shall be used by the state to carry out the purposes of the said home, and, when it shall not be necessary for that purpose, that it shall be used for some other eleemosynary purpose. The title to said property must be approved by the said attorney-general before the same is accepted.

Rules and
regulations.

SECTION 7. The board of managers shall make such rules and regulations for receiving into, and discharging

from, said home the inmates thereof, as shall not conflict with the provisions of this or any other law of this state. They shall also make all needful rules and regulations for the government of the home, and shall have authority to appoint a superintendent, who shall hold his office for five years, unless sooner removed by the board of managers for cause. Said superintendent shall have the entire management and control of the said home, under the rules and regulations adopted by the board of managers, and he shall, with the approval of the majority of the said board, appoint or employ all subordinate officers and employes of said home, as the said board shall deem necessary, and may remove or discharge them for cause; and said board shall fix the salaries and compensation of said superintendent and subordinate officers and employes, and may at any time dismiss said superintendent, or any of said subordinate officers and employes; provided, however, that no salary shall exceed the sum of one thousand (\$1,000) dollars.

Superintendent.

SECTION 8. Said board shall cause to be kept a full and accurate account of receipts and disbursements pertaining to said home, specifying from what sources the receipts may have come, and for what purposes disbursements have been made. Said board shall also make to the governor, on or before the 15th day of November, of each year, a detailed statement of all its transactions, including the sums paid as salaries and compensation to officers and employes, with the names of said officers and employes, and the amount paid to each; which report shall be transmitted by the governor to the legislature at the next session thereof.

Annual report.

SECTION 9. Said board of managers shall not receive any compensation for the services of the members thereof, but shall be paid their necessary expenses incurred in attending the meeting thereof, which said sum shall be paid out of the state treasury on the order of the auditor of state; the bills for the same having been properly audited and certified to by the president and secretary of the board.

Compensation of members of board.

SECTION 10. The auditor of state is hereby required to draw his warrant in favor of the steward of the said board on the treasurer of state, for any money deemed necessary to pay for the cost of repairs of buildings erected on said land and for the maintenance of said home, the amount thereof to be estimated by said board, and attested by the president and secretary; provided, the aggregate amount drawn for making such repairs and maintaining said home, during the next two years shall not exceed the sum of \$25,000.00.

Appropriation.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 5, 1904.
Approved April 6, 1904.

MYRON T. HERRICK,
Governor.

their wives shall be permitted, under such rules and regulations as may be adopted by the said board, to live in, and be supported at said home.

Appointment
of board of
managers.

SECTION 3. The governor of the state shall, immediately upon the passage of this act, appoint, by and with the advice and consent of the senate, five citizens, who shall constitute the board of managers for the said home, whose term of office shall be for five years, and until their successors are appointed and qualified, except those first appointed, one of whom shall hold his office for one year, one for two years, one for three years, one for four years, and one for five years, commencing from the date of confirmation, the length of the term of service of each to be designated in his appointment, and as the term of each expires, his successor shall be appointed for five years.

Meetings of
board, organ-
ization, etc.

SECTION 4. The first meeting of said board shall be ordered by the governor, and thereafter shall be fixed by the member thereof. Before entering upon the discharge of their duties, the members of said board shall take and subscribe an oath of office, which shall be entered upon the journal of the said board. In all meetings of the board a majority of the members shall constitute a quorum. The board shall organize by electing one of their members president, and also a secretary and a steward, the latter two of whom may or may not be members of said board; and said officers shall serve for one year, or until their successors are elected and qualified.

Steward.

SECTION 5. The said steward, before entering upon the discharge of the duties of his office, shall give bond to the state of Ohio in the sum of fifty thousand (\$50,000.00) dollars, with good and sufficient surety, to be approved by the governor, and deposited with the treasurer of state, conditioned for the faithful discharge of his duties as steward of said board, and that he will properly account for and pay over all moneys that may come into his hands by virtue of said office; and he shall be governed by the provisions of chapter 3, title 5, part first, of the Revised Statutes of Ohio.

Powers of
board of man-
agers.

SECTION 6. The said board of managers shall have power to make all contracts, in its own name, for all purposes incident to such home; and shall have power to accept and receive, and hold in trust, for the use of said home, any and all contributions, gifts and bequests, of lands, buildings or money; and if any such donation of property be made and accepted by the board, it shall be conveyed in fee simple to the state of Ohio, without any incumbrance or condition, other than that the same shall be used by the state to carry out the purposes of the said home, and, when it shall not be necessary for that purpose, that it shall be used for some other eleemosynary purpose. The title to said property must be approved by the said attorney-general before the same is accepted.

Rules and
regulations.

SECTION 7. The board of managers shall make such rules and regulations for receiving into, and discharging

from, said home the inmates thereof, as shall not conflict with the provisions of this or any other law of this state. They shall also make all needful rules and regulations for the government of the home, and shall have authority to appoint a superintendent, who shall hold his office for five years, unless sooner removed by the board of managers for cause. Said superintendent shall have the entire management and control of the said home, under the rules and regulations adopted by the board of managers, and he shall, with the approval of the majority of the said board, appoint or employ all subordinate officers and employes of said home, as the said board shall deem necessary, and may remove or discharge them for cause; and said board shall fix the salaries and compensation of said superintendent and subordinate officers and employes, and may at any time dismiss said superintendent, or any of said subordinate officers and employes; provided, however, that no salary shall exceed the sum of one thousand (\$1,000) dollars.

Superintendent.

SECTION 8. Said board shall cause to be kept a full and accurate account of receipts and disbursements pertaining to said home, specifying from what sources the receipts may have come, and for what purposes disbursements have been made. Said board shall also make to the governor, on or before the 15th day of November, of each year, a detailed statement of all its transactions, including the sums paid as salaries and compensation to officers and employes, with the names of said officers and employes, and the amount paid to each; which report shall be transmitted by the governor to the legislature at the next session thereof.

Annual report.

SECTION 9. Said board of managers shall not receive any compensation for the services of the members thereof, but shall be paid their necessary expenses incurred in attending the meeting thereof, which said sum shall be paid out of the state treasury on the order of the auditor of state; the bills for the same having been properly audited and certified to by the president and secretary of the board.

Compensation of members of board.

SECTION 10. The auditor of state is hereby required to draw his warrant in favor of the steward of the said board on the treasurer of state, for any money deemed necessary to pay for the cost of repairs of buildings erected on said land and for the maintenance of said home, the amount thereof to be estimated by said board, and attested by the president and secretary; provided, the aggregate amount drawn for making such repairs and maintaining said home, during the next two years shall not exceed the sum of \$25,000.00.

Appropriation.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 5, 1904.

Approved April 6, 1904.

MYRON T. HERRICK,

Governor.

[House Bill No. 114.]

AN ACT

To provide for the safety of the public by regulating the employment of certain persons to act as flagmen and hostlers on railroads.

Regulating
employment
of flagmen
and hostlers
on railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That no person, firm or corporation, owning, operating or controlling any railroad, running through or within the state of Ohio, shall employ as flagmen or hostler, or assistant hostler, within said state, any person who cannot read and write and speak the English language; but this act shall not apply to flagmen at street or highway crossings.

Penalty for
violation of
this act.

SECTION 2. Any person, firm, or corporation who shall violate the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five hundred dollars (\$500), or more than one thousand dollars (\$1,000).

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 5, 1904.

Approved April 7, 1904.

MYRON T. HERRICK,

Governor.

58G

[Senate Bill No. 70.]

AN ACT

To amend sections 2678 and 2679 of the Revised Statutes of Ohio, relating to law libraries.

Be it enacted by the General Assembly of the State of Ohio:

Law libraries:

SECTION 1. That section 2678 and 2679 of the Revised Statutes of Ohio be amended so as to read as follows:

Compensation
of law libra-
rian.

Sec. 2678. The judges of the court of common pleas of any county in which there now is or may hereafter be a law library association which furnishes to all of the county officers and the judges of the several courts in such county admission to its library and the use of its books free of charge, shall upon the appointment by the trustees of such library association of a person to act as librarian thereof fix the compensation of such librarian, which shall be paid out of the county treasury; provided, however, that in counties where not more than one judge of the court of common pleas holds regular terms of court at the same time the compen-

sation so to be paid such librarian shall not exceed the sum of five hundred dollars per annum.

Sec. 2679. The board of county commissioners of any county in which there may be a law library association such as is described in section 2678 shall provide a suitable room or rooms provided with sufficient and suitable bookcases in the county court house for the use of such law library, and shall heat and light the same.

County commissioners shall provide room, etc., for library.

The books and furniture of such law library association used exclusively in such library shall be exempt from taxation.

Property exempt from taxation.

SECTION 3. That said sections of the Revised Statutes of Ohio, numbered 2678 as amended April 16th, 1900, and 2679 as amended April 10th, 1889, be and the same are hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 5, 1904.

Approved April 7, 1904.

MYRON T. HERRICK,
Governor.

59G

[House Bill No. 236.]

AN ACT

To authorize the board of commissioners of any county owning, or wholly or partly maintaining, a hospital for the care of the insane, to levy a tax for the support and improvement thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of any county owning, or wholly or partly maintaining, a hospital for the care of the insane, are hereby authorized, at the June session, annually to levy a tax, not exceeding three-tenths of one mill, on the taxable property of such county, for the support of such hospital, the payment for lands purchased or acquired for the use thereof, and for enlargements, additions, or other improvements thereto.

Commissioners authorized to levy tax for support of hospital for insane.

SECTION 2. All other provisions of law for the levy by county commissioners of taxes for each and any of the above purposes are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 5, 1904.

Approved April 7, 1904.

MYRON T. HERRICK,
Governor.

60G

[House Bill No. 153.]

AN ACT

To authorize the board of commissioners of any county owning, or wholly or partly maintaining, a hospital for the care of the insane, to issue bonds and provide for their payment.

Be it enacted by the General Assembly of the State of Ohio:

Commission-
ers authorized
to borrow
money for sup-
port of hos-
pital for in-
sane.

SECTION 1. That the board of commissioners of any county owning, or wholly or partly maintaining, a hospital for the care of the insane, is hereby authorized and empowered to borrow money, not exceeding one hundred and fifty thousand dollars, for enlarging, changing or adding to such hospital, or making other improvements, which the trustees or directors in charge thereof shall decide to be necessary.

May issue
bonds.

SECTION 2. Any board of county commissioners making such loan may issue the bonds of such county payable in not more than fifty years and redeemable after twenty-five years from their date with interest, evidenced by coupons, not exceeding five per cent. payable semi-annually. Such bonds shall be known as county insane hospital improvement bonds, shall be signed by the commissioners and countersigned by the auditor, and such board of commissioners shall from time to time, upon request of such directors or trustees, sell so many of such bonds as may be required for the purposes of their issue, and deposit the proceeds with the treasurer of such county to the credit of such hospital. In selling bonds the board shall be governed by the general provisions of law applicable to the sale of bonds.

Tax levy.

SECTION 3. The board of commissioners shall annually, at the June session, levy the amount of taxes required to pay the interest on such bonds and create a sinking fund for the redemption thereof at maturity; and all taxes levied and collected under this act shall be applied exclusively to the purposes for which they were issued.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 5, 1904.

Approved April 7, 1904.

MYRON T. HERRICK,

Governor.

61G

[House Bill No. 209.]

AN ACT

To amend sections 169, 170 and 171 of the Revised Statutes of Ohio, relating to the appointment and defining the duties of a deputy auditor of state.

Be it enacted by the General Assembly of the State of Ohio:

Auditor of
state:

SECTION 1. That sections 169, 170 and 171 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 169. The auditor of state shall appoint a deputy auditor of state, whose appointment shall be made in writing under the official seal of the auditor and be entered of record in the office of the secretary of state. May appoint a deputy.

Sec. 170. The deputy auditor of state, thus appointed, previous to entering on the duties of his office, shall give bond to the auditor in the sum of ten thousand dollars, with two or more sureties to the acceptance of the auditor, conditioned [for] on the faithful discharge of all of the duties of his position. Bond.

Sec. 171. The deputy auditor of state shall have the powers of a deputy conferred by section 10 of the Revised Statutes of Ohio, and shall perform such duties as may be required of him by the auditor of state; provided, however, that such deputy shall have no power to serve upon any board or commission of which the auditor of state is made a member by law. Powers and duties.

SECTION 2. That said sections 169, 170 and 171 of the Revised Statutes of Ohio be and the same are hereby repealed. Repeals.

SECTION 3. That this act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 5, 1904.

Approved April 7, 1904.

MYRON T. HERRICK,
Governor.

62G

[House Bill No. 460.]

AN ACT

To amend section 1518 of the Revised Statutes of Ohio, relating to the filling of vacancies in the office of assessors in municipalities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1518 of the Revised Statutes of Ohio relating to the filling of vacancies in the office of assessor in municipalities be amended to read as follows: Officers of civil townships:

Sec. 1518. In the event that there should be a failure to elect an assessor in any ward or precinct of a municipal corporation not having a township organization, or if any person elected fails to give bond and take the oath of office for one week after his election; or in the event of removal from the precinct or ward of such assessor after his election, the office shall be considered vacant, or should there be at any time a vacancy in said office from any other cause, Vacancy in office of assessor, how filled.

the county auditor shall fill such vacancy by appointing an elector of such ward or precinct to the office of assessor.

Repeals.

SECTION 2. Said original section 1518 be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 5, 1904.
Approved April 7, 1904.

MYRON T. HERRICK,
Governor.
63G

[House Bill No. 459.]

AN ACT

To amend section 1451 of the Revised Statutes of Ohio, relating to the filling of vacancies in township offices.

Be it enacted by the General Assembly of the State of Ohio:

Officers of civil townships:

SECTION 1. That section 1451 of the Revised Statutes of Ohio relating to the filling of vacancies in township offices be amended to read as follows:

Vacancies;
how filled.

Sec. 1451. If, by reason of nonacceptance, death or removal of a person chosen to an office in any township, except trustee, at the annual meeting aforesaid, or upon the removal of the assessor from the precinct or township for which he has been elected, or there is a vacancy from any other cause, the trustees shall appoint a person having the qualifications of an elector to fill such vacancy; provided in case of a vacancy in the office of clerk or treasurer, such appointee shall hold until his successor be elected as provided in section 1448.

Repeals.

SECTION 2. Said original section 1451 be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 5, 1904.
Approved April 7, 1904.

MYRON T. HERRICK,
Governor.
64G

[House Bill No. 79.]

AN ACT

To amend section 2907a of the Revised Statutes of Ohio, relative to the redemption of lands forfeited for taxes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2907a of the Revised Statutes of Ohio, as enacted April 10, 1900, (94 O. L. 116), be amended so as to read as follows:

Forfeited
lands:

Sec. 2907a. In all cases where any lot, out-lot or land has been offered for sale, and has not been sold for want of bidders and has been forfeited to the state of Ohio, for the nonpayment of taxes, and has stood on the tax duplicate of any county, as forfeited for a period of two years next prior to the time fixed by law for taking any decennial appraisal of the lots, or out-lots and real estate of the county, the county auditor is hereby authorized, empowered and required, upon application made to him on or before the first day of October in the year nineteen hundred and four (1904) by the owner of any such forfeited lot, out-lot or land, to readjust the taxes upon such property that may at such decennial appraisal, so be delinquent, and compute the taxes on the same upon the basis of the new decennial appraisal; and in making such readjustment, he shall compute the taxes upon such lot, out-lot or lands, for each and every year such taxes are unpaid, by computing the amount at the rate for each year upon the new decennial valuation, and upon the payment of the taxes so readjusted, the auditor is hereby authorized and required to issue to the owner of such lots, out-lots or lands a remit for the amount of the difference between the delinquent taxes charged on such lots, out-lots or lands and the amount of taxes found to be due on such real estate under such readjustment.

Cases when
taxes to be
computed
upon basis of
new decen-
nial appraise-
ment.

Remittance
of difference.

SECTION 2. That said original section 2907a be and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 5, 1904.
Approved April 7, 1904.

MYRON T. HERRICK,
Governor.
65G

[Senate Bill No. 206.]

AN ACT

To amend sections 129 and 228 of an act entitled, An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debt, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed Oct. 22, 1902 relating to vacancies.

Be it enacted by the General Assembly of the State of Ohio:

Municipal
corporations.

SECTION 1. That sections 129 and 228 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed Oct. 22, 1902, be amended so as to read as follows:

Mayor: elec-
tion, term,
qualifications,
duties, etc.

Sec. 129. [Mayor.] The mayor shall be elected for a term of two years, and shall serve until his successor is elected and qualified. He shall be an elector of the corporation. The mayor shall be the chief conservator of the peace within the corporation and shall have such other powers and perform such other duties as are conferred and required in sections 1746, 1747, and 1748 of the Revised Statutes of Ohio; such as are provided in this act, and all other acts or parts of acts applying to all cities of the state and not inconsistent herewith.

Appointment,
removal and
suspension of
officers, clerks
and employees.

The directors and officers provided in this act shall have the exclusive right, subject to the limitations herein prescribed to appoint all officers, clerks and employees in their several respective departments or offices, and shall likewise, subject to the limitations herein prescribed, have sole power to remove or suspend any such officers, clerks or employees.

Vacancies;
how filled.

Sec. 228. In case of death, resignation, removal or disability of any officer or director in any department of any municipality, the mayor of such city shall fill the vacancy by appointment, and said appointment shall continue for the unexpired term and until a successor shall be duly elected and qualified, or until such disability is removed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 5, 1904.

Approved April 7, 1904.

66G

MYRON T. HERRICK,

Governor.

[House Bill No. 497.]

AN ACT

To amend section 2926b of the Revised Statutes, relating to city boards of elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2926b of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2926b. In all cities of the first and second class, the board of elections to consist of four electors of such city of well known intelligence and integrity, two of whom shall belong to each of the two leading political parties, shall be appointed by the mayor. Successors to the two members of existing boards of election whose terms shall first expire shall be appointed on the 2d day of July 1904, to serve for a term of four years from the date of their appointment, and thereafter, biennially, on the 2d day of July, two members of different leading political parties shall be appointed to serve for four years from the date of their appointment. No person shall be appointed or be a member of such board, who holds an office under the United States, the state of Ohio, except notaries public, or of such cities, or the county in which such city is situated, or who is employed in any department of such city or county, or by any officer, of such city or county; and all votes cast at any election for any person who is, or within three months next preceding such election, has been a member of such board, shall be absolutely void. For misconduct or neglect of duty, such mayor may remove any member of such board for sufficient cause upon charges having been preferred in writing, and after a public hearing thereon. And any vacancy which may occur in such board by the death, resignation, removal or disability of any of its members, shall be filled by appointment of such mayor, for the unexpired term of such vacancy or vacancies, and so that each of the two leading political parties shall always have an equality of representation in the said board, or as near as may be. Provided, that the members and secretary of the boards existing at the time of the passage of this act shall continue in office until the expiration of the term for which they were appointed and until their successors are appointed and qualified, as provided in this act, unless removed for cause as provided by law. A secretary of such board shall be appointed by the members thereof, at the expiration of the term of the secretary now in office, who shall be an elector of such city fully qualified for such place, and who shall serve the same for a term of four years; but he may, for official misconduct, be removed by the board; the board shall appoint his successor for the same term of years, and

Conduct of elections:

Board of elections; how constituted.

Void votes.

Removals.

Vacancies.

Secretary; his duties, etc.

Office of
board.

in case of death, resignation or removal of the secretary shall fill the vacancy for the unexpired part of such term. The secretary shall, subject to the control of the board of elections, keep a full and true record of their proceedings, file and preserve in their office all orders, rules and regulations in any wise pertaining to the administration of registration and elections; prepare and furnish, under the orders of such board, all the registers, lists, books, maps, forms, oaths, certificates, instructions and blanks, for the use and guidance of registrars, judges and clerks of elections, and the board of canvassers; provide for timely furnishing of such officers therewith, and with all the necessary supplies provided for them; to receive and keep close custody of all the registers and copies returned to such office as provided herein, and of all records, papers and certificates of every kind relating to the office or administration of such board of elections; he shall also have the care of the ballot-boxes while deposited at the office of such board of elections; and he shall perform all such other or further duties, pertaining to such office and affairs, as shall be prescribed by such board. The board of elections shall have a sufficient and suitable office and rooms for the purpose herein required, which shall be in charge of their secretary and shall be kept open daily, except Sundays and legal holidays, in cities of the first and second grades in the first class, and at such time as the board of elections may require in cities of the third and fourth grades in the first class, and first, second, third and fourth grades, in the second class. Each member of the board of elections and the secretary, shall before entering upon the discharge of their office, take and subscribe an oath to support the constitution and laws of the United States, and the state of Ohio, and faithfully discharge the duties of their office, and to make their utmost endeavors to secure fair and honest elections, which oath shall immediately be filed in the office of the city clerk of such city and be preserved by him.

Repeals.

SECTION 2. That the original section 2926b of the Revised Statutes of Ohio, be and the same is hereby repealed, and that all acts and parts of acts; and all sections or parts of sections of the Revised Statutes in conflict with the provisions of this act, are, to the extent of such conflict, hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 7, 1904.

Approved April 7, 1904.

MYRON T. HERRICK,
Governor
67G

[House Bill No. 187.]

AN ACT

For the relief of Edward Muthert, late sergeant of company I, 1st regiment of infantry, Ohio national guard.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of the state of Ohio be and is hereby authorized and required to issue his warrant on the state treasurer to pay to Edward Muthert, late sergeant of company I, 1st regiment of infantry, Ohio national guard, and now living at Cincinnati, Hamilton county, Ohio, the sum of \$1,500, which sum shall be in full liquidation and payment of said Edward Muthert for loss through injuries received by him in the line of duty as a member of the Ohio national guard, while aiding in suppressing the riot at Cincinnati in March 1884.

SECTION 2. That there be appropriated the sum of fifteen hundred dollars out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to carry out the provisions of section 1 hereof.

Appropriation
for Edward
Muthert.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 7, 1904.

Approved April 8, 1904.

MYRON T. HERRICK,

Governor.
68G

[House Bill No. 128.]

AN ACT

To authorize the board of commissioners of any county owning, or wholly or partly maintaining, a hospital for the care of the insane, to purchase or appropriate real estate for the use thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of commissioners of any county owning, or wholly or partly maintaining, a hospital for the care of the insane, is hereby authorized and empowered to purchase or acquire additional real estate which in the judgment of the directors or trustees in charge of such hospital may be necessary for the use thereof.

Commissioners
authorized to
purchase land
for use of hos-
pital for in-
sane.

SECTION 2. If the board of commissioners shall be unable to agree with the owner or owners of such land for the purchase thereof, it is hereby authorized and empowered to appropriate the same, and for that purpose shall cause an accurate survey and description thereof to be made and filed,

In what case
such land may
be condemned.

together with a petition for such appropriation, with the probate judge of such county; and thereupon like proceedings shall be had, in the name of such board of commissioners, as in cases of the appropriation of private property by municipal corporations.

How paid for.

SECTION 3. Payment for property so purchased or appropriated shall be made from the general funds in the county treasury to the credit of such hospital.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 7, 1904.

Approved April 8, 1904.

MYRON T. HERRICK,

Governor.

69G

[Senate Bill No. 85.]

AN ACT

To amend section 8 of an act entitled "An act to change the name of the intermediate penitentiary, to that of the Ohio state reformatory, and to organize and govern the same, and to repeal a certain act therein named," passed April 24, 1891, as amended April 25, 1898, providing for the discipline of prisoners at the Ohio state reformatory.

Be it enacted by the General Assembly of the State of Ohio:

Ohio state
reformatory:

SECTION 1. That section 8 of an act entitled, "An act to change the name of the intermediate penitentiary, to that of the Ohio state reformatory, and to organize and govern the same, and to repeal a certain act therein named," passed April 24, 1891, as amended April 25, 1898, be amended to read as follows:

Discipline to
be reforma-
tory.

Sec. 8. The discipline to be observed in said Ohio state reformatory shall be reformatory, and the managers shall have power to employ such means of reformation for the improvement of the inmates as they may deem expedient. The labor imposed upon inmates, or industrial pursuits prescribed for the employment of their time, shall also be at the discretion of the board of managers, except that what is known as the contract system of prison labor shall not be employed. The superintendent is hereby authorized to expend by authority and under direction of the board of managers, not to exceed fifty per cent. (50%) of the gross earnings of inmates for the purpose of equipping and maintaining industrial training schools in which inmates shall be taught various lines of manual skill of such character as to prepare said inmates to perform the skilled labor required at the reformatory, and to fit them for self-support when released therefrom. It shall be the duty of the superintend-

Labor of in-
mates.

Industrial
training
schools.

ent to make monthly reports in detail to the auditor of state of all money received and expended under this provision; provided, further, that the superintendent is hereby authorized to place to the credit of each prisoner, such amount of his earnings as the board of managers may deem equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he is imprisoned, and his general deportment; provided, that such credit shall in no case exceed twenty per cent. of his earnings, and the funds thus accruing to the credit of any prisoner shall be paid to him or his family, at such time and in such manner as the board of managers may deem best; provided, that at least twenty-five per cent. of such earnings shall be left for and paid to such prisoner at the time of his restoration to citizenship; and provided, further, that the superintendent may, with the approval of the managers, by way of punishment for violation of rules, and of propriety, or any other misconduct, cancel such portion of such credit as he may deem best.

Earnings to be placed to credit of prisoner; distribution of fund.

SECTION 3. That said original section 8 be, and the same is hereby repealed. Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 8, 1904.

Approved April 15, 1904.

MYRON T. HERRICK,
Governor.
706

[Senate Bill No. 81.]

AN ACT

To amend section 6389 of the Revised Statutes of Ohio, relating to publication of bans and how and when marriage license may be procured.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6389 of the Revised Statutes of Ohio be amended so as to read as follows:

Marriages:

Sec. 6389. Previous to persons being joined in marriage, notice thereof shall be published (in the presence of the congregation) on two different days of public worship; the first publication to be at least ten days previous to such marriage, within the county where the female resides; or, [a] license shall be obtained for that purpose from the probate judge in the county where such female may reside; and no license shall be granted where either of the parties, applicants therefor, is an habitual drunkard, epileptic imbecile or insane or who at the time of making application for said license is under the influence of any intoxicating liquor or narcotic drug.

Before marriage, bans to be published, and how; or license to be procured, and where.

When license shall not be granted.

Repeals.

SECTION 2. Said original section 6389 is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 8, 1904.

Approved April 15, 1904.

MYRON T. HERRICK,
Governor.
 71G

[House Bill No. 289.]

AN ACT

To amend sections 3433, 3434, 3435 and 3436 of the Revised Statutes of Ohio, giving police powers to conductors of street cars.

Be it enacted by the General Assembly of the State of Ohio :

Railroad companies:

SECTION 1. That sections 3433, 3434, 3435 and 3436 be amended so as to read as follows:

When a passenger conductor is a policeman.

Sec. 3433. The conductor of every train carrying passengers within this state and the conductor of the car or cars of every interurban railroad carrying passengers within this state, is hereby invested with all of the powers, duties and responsibilities of police officers, while on duty on his train or on said car or cars, and said conductor may wear the badge of a special policeman.

When conductor may eject a passenger.

Sec. 3434. When a passenger is guilty of disorderly conduct, or uses any obscene language, or plays any game of cards or chance for money or any other thing of value, upon any passenger train or upon the car or cars of any interurban railroad carrying passengers within this state, the conductor of such train or car or cars of such interurban railroad shall stop his train or said car or cars at the place where such offense is committed, or at the next stopping place of such train or of such car or cars, and eject such passenger from the train or from said car or cars, using only such force as may be necessary to accomplish such removal; and the conductor may command the assistance of the employes of the company, person, firm or corporation owning or operating such road or roads and of the passengers on such train or on such car or cars to assist in such removal; but before doing so he shall tender to such passenger such proportion of the fare he paid as the distance he then is from the place to which he has paid fare bears to the whole distance for which his fare is paid.

When a conductor may arrest a passenger.

Sec. 3435. When a passenger is guilty of any offense upon a passenger train or upon the car or cars of any interurban railroad carrying passengers within this state, the conductor of such train or of such car or cars may arrest him

and take him before any magistrate having cognizance of such offense, in any county in this state in which such train or car or cars of any interurban railroad runs, and file an affidavit before such magistrate, charging him with such offense; but in no case shall the liability of a railroad company for damages caused by the conduct of its conductor be affected by the provisions of this and the next preceding section.

Sec. 3436. A conductor having charge of a passenger train or of the car or cars of any interurban railroad carrying passengers within this state, who wilfully neglects his duty as required by the two preceding sections, or fails to use all the means in his power to carry out the requirements of such sections, shall be deemed guilty of negligence of official duty, and on conviction thereof, before any court having competent jurisdiction, shall be fined not less than five nor more than twenty-five dollars.

Penalties
against con-
ductors for
violations of
two preceding
sections.

SECTION 2. That said original sections 3433, 3434, 3435 and 3436 be and the same are hereby repealed.

Repeals.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 8, 1904.

Approved April 15, 1904.

MYRON T. HERRICK,

Governor.

72G

[House Bill No. 227.]

AN ACT

To amend section 3485 of the Revised Statutes of Ohio, relative to condemnation proceedings in the [matter] manner of toll roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3485 of the Revised Statutes of Ohio be amended so as to read as follows:

Turnpike and
avenue com-
panies:

Sec. 3485. If the sum necessary to make such repairs exceed twenty dollars, the person or company owning said turnpike may appeal the proceeding, and from the report and judgment as to costs, to the court of common pleas of the county, on filing affidavit as to costs of repairs, and giving bail as in other cases of appeal, within ten days after service of a certified copy of the report of the inspectors; the condition of the appeal bond shall be to abide by and perform the order of the court of common pleas; and, if either party demand a jury to hear and determine the truth of the complaint, the court of common pleas shall empanel a jury in the same manner now provided by law for the empanelling of juries in civil causes in said court, to hear and determine the truth of said complaint; and, if the jury upon hearing the evidence find the complaint to be true and that said turnpike or portions thereof that are complained of

When com-
pany may ap-
peal from de-
cision of jus-
tice of the
peace as to re-
pair of toll
roads.

are out of repair, the court shall thereupon make such order as to such repairs as may be deemed just or order the suspension of the collection of tolls pending the making and completion of said repairs.

Repeals.

SECTION 2. That said original section 3485 be and the same is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 8, 1904.

Approved April 15, 1904.

MYRON T. HERRICK,
Governor.

73G

[House Bill No. 327.]

AN ACT

To amend section 7388a of the Revised Statutes of Ohio, and to repeal sections 7388b and 7388c, to provide for the appointment of matrons in county jails and to fix their compensation.

Be it enacted by the General Assembly of the State of Ohio:

Jails:

SECTION 1. That section 7388a of the Revised Statutes of Ohio be amended as follows:

Jail matrons:
appointment,
duties and
compensation.

Sec. 7388a. The sheriff of any county may appoint not more than three jail matrons, whose duties shall be to have charge over and to care for the insane, and for all female and minor persons who may be confined in the jail of such county, and the county commissioners shall provide suitable quarters in said jail for the use and convenience of said matrons while on duty, but no such appointment shall be made, except on the approval of the probate judge and the probate judge shall fix the compensation of said matrons which shall not exceed sixty dollars (\$60.00) per month, and the same shall be payable monthly out of the general fund of said county upon the warrant of the county auditor upon the certificate of the sheriff. No matron shall be removed except for cause, and then only after hearing before the probate judge.

Repeals.

SECTION 2. That sections 7388a, 7388b and 7388c of the Revised Statutes of Ohio, be and the same are hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 8, 1904.

Approved April 15, 1904.

MYRON T. HERRICK,
Governor.

74G

AN ACT

Further to provide against the evils resulting from the traffic in intoxicating liquors by providing for local option in residence districts of municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Whenever forty per cent. of the qualified electors of any residence district of any municipal corporation shall petition the mayor of such municipal corporation, or a common pleas judge of the county for the privilege to determine by ballot whether the sale of intoxicating liquor as a beverage shall be prohibited within the limits of such residence district, such mayor or common pleas judge shall order a special election to be held in not less than twenty and not more than thirty days from the filing of such petition with the mayor of the municipal corporation or common pleas judge of the county. When two or more petitions are filed and pending, each containing common territory, the election shall be ordered for the residence district described in the petition first filed. Such election shall be held at the usual place or places for holding municipal elections in said residence district, if there be such place or places, and, if not, at such a place as the mayor or judge may direct within said residence district and notice shall be given and the election conducted in all respects as provided by law for the election of members of the council of said corporation, so far as said law may be applicable. At such election, only duly qualified electors residing within the residence district shall be entitled to vote; in municipal corporations having registration, only registered voters shall be entitled to vote, and, the election shall be conducted by the regular judges and clerks of election, and the county board of deputy state supervisors of election shall designate and notify the judges and clerks of election, and shall furnish the ballots and supervise the election upon notice being given to them by the mayor or judge who orders the election to be held; such mayor or judge shall notify the county board of deputy state supervisors of election forthwith after ordering the election. The result of such election shall be certified by the judges and clerks of such election and sent forthwith to the clerk of the council, or the clerk of the municipal corporation of which the district is a part, and the clerk shall enter forthwith the record of the result of the election upon the record of the proceedings of the council of said corporation and in all trials for violations of this act the original entry of said record, or a copy thereof, certified by the clerk of said council or corporation provided it shows that a majority of votes cast at such election were against the sale of intoxicating liquor as a beverage, shall be prima facie evidence that the selling, furnishing or giving away of intoxicating liquor as a beverage, or the keeping of a place where such liquors are

Petition for an election to prohibit sale of intoxicating liquor in residence district.

Special election to be held.

Petition first filed shall have precedence.

Notice and conduct of election.

Who qualified to vote.

Record of result of election; its value as evidence.

sold, kept for sale, furnished or given away, if such selling, furnishing or giving away of intoxicating liquors as a beverage, or, the keeping of a place where intoxicating liquors were sold, furnished or given away as a beverage, occurred after thirty days from the day of holding such election, was then and there prohibited and unlawful.

Ballots to be
voted at such
election.

SECTION 2. The ballots at any special election held under the provisions of this act shall be printed with an affirmative and negative statement, to-wit, "The sale of intoxicating liquors as a beverage shall be prohibited," "The sale of intoxicating liquors as a beverage shall not be prohibited," with a blank space on the left side of each statement in which to give each elector a clear opportunity to designate his choice by a cross mark as follows:

() The sale of intoxicating liquors as a beverage shall be prohibited.

() The sale of intoxicating liquors as a beverage shall not be prohibited.

When the sale
in a residence
district shall
be unlawful.

And if the majority of the votes cast at such election shall be in favor of prohibiting the sale of intoxicating liquors as a beverage, then, from and after thirty days from the date of holding said election it shall be unlawful for any person, personally or by agent, within the limits of such residence district of such municipal corporation to sell, furnish or give away any intoxicating liquors to be used as a beverage, or to keep a place where such liquors are kept for sale, given away or furnished for beverage purposes, and whoever from and after thirty days aforesaid in any manner, directly or indirectly, sells, furnishes or gives away or otherwise deals in any intoxicating liquors as a beverage or keeps or uses a place, structure or vehicle, either permanent or transient for selling, furnishing or giving away or in which or from which intoxicating liquors are sold, given away or furnished or otherwise dealt in as aforesaid, shall be guilty of a misdemeanor, and shall on conviction thereof be fined not more than two hundred dollars nor less than fifty dollars for the first offense, and shall for any subsequent offense be fined not more than five hundred dollars nor less than one hundred dollars and the court on conviction for a second or subsequent offense shall order the place where such liquor is sold, furnished or given away for beverage purposes, to be abated as a nuisance or shall order the person convicted for such subsequent offense to give bond payable to the municipal corporation in the sum of one thousand dollars with sureties to the acceptance of the court that he will not sell, furnish, or give away any intoxicating liquor as a beverage in said residence district in violation of law.

Penalty for
making such
prohibited
sale.

What petition
to contain.

SECTION 3. A petition for an election under the provisions of this act substantially as follows shall be sufficient

A petition to determine whether the sale of intoxicating liquors as a beverage shall be prohibited in the following residence district, to-wit of the municipal corporation of of the state of Ohio.

To Date

We, the undersigned respectfully represent that we are qualified electors of the following residence district, to-wit, in the municipal corporation of county of state of Ohio, and that we hereby request you to order an election to determine whether the sale of intoxicating liquors as a beverage shall be prohibited in said residence district.

SECTION 4. The phrase "intoxicating liquor" as used in this act shall be construed to mean any distilled, malt, vinous or any intoxicating liquors by whatever name the same shall be known; but nothing in this act shall be construed to prevent the selling of intoxicating liquors at retail by a regular druggist for exclusively known medicinal, pharmaceutical, scientific or sacramental purposes; and when sold for medicinal purposes it shall be sold only in good faith upon a written prescription issued, signed and dated in good faith by a reputable physician in active practice and the prescription used but once. And nothing contained in any of the sections of this act shall in any manner affect the right of any manufacturer of intoxicating liquors from the raw material, to sell, deliver and furnish his product in wholesale quantities to bona fide retail dealers trafficking in intoxicating liquors, or in wholesale quantities to any party or parties residing outside the limits of said district, nor of any dealer delivering intoxicating liquors to bona fide residences in such district, nor of any bona fide wholesale dealer in said district to sell or deliver intoxicating liquors in wholesale quantities to customers outside of said district.

Meaning of phrase "intoxicating liquor."

Regular druggists.

Manufacturer may sell at wholesale to retail dealers.

The words "giving away" where they occur in this act shall not apply to the giving away of intoxicating liquors by a person in his private dwelling unless such private dwelling is a place of public resort.

The phrase "resident district" as used in this act, shall be construed to mean any clearly described, contiguous, compact section or territory in a municipal corporation bounded by street, corporation, or other well recognized lines or boundaries and containing not fewer than three hundred qualified electors, nor more than two thousand qualified electors; and such district shall not contain any block in which one-half or more of the foot frontage of such block is occupied by buildings and premises actually devoted to commercial, manufacturing, mercantile or other business purposes not including saloons; provided, however, that in determining the total foot frontage referred to herein, property occupied by saloons shall not be counted as either business or residence property; and further such residence district shall not contain the property or premises abutting on a street lying between two consecutive cross or intersecting streets, from street to street, or extending for a distance of not less than five hundred feet along such street on which said premises abut, whenever fifty-five per cent. of the foot frontage of such abutting property is occupied for and devoted to

Meaning of phrase "residence district."

manufacturing, mercantile or other business purposes, not including saloons; provided, however, that in determining the total foot frontage referred to herein, property occupied by saloons shall not be counted as either business or residence property; and on the opposite side of said portion of said street on which said property abuts, fifty-five per cent. of the foot frontage abutting thereon is occupied for and actually devoted to manufacturing, mercantile or other business purposes, not including saloons; provided, however, that in determining the total foot frontage referred to herein, property occupied by saloons shall not be counted as either business or residence property.

Parks in residence districts and property devoted to educational, religious or charitable uses, shall, for the purpose of this act, be held to be occupied for residence purposes; while public property devoted to other than the above specified uses, shall, for like purposes, be deemed to be occupied for business purposes. When but one side of said portion of said street is adaptable for residence or business purposes, then such side of such portion of such street shall determine whether the property abutting on both sides of such street be counted as business or residence property.

Meaning of
term "block."

The term "block" shall be construed to mean the territory bounded by four well recognized adjacent streets and not alleys. The term "saloon" shall mean any place where intoxicating liquor is sold and trafficked in as a beverage.

Entry and
record of re-
sult of election
held under
this act.

SECTION 5. The following shall be deemed a sufficient entry and record of the result of an election held under the provisions of this act:

The state of Ohio, county of....., municipal corporation of

The special election held on the day of, A. D., within and for the following residence district, to-wit, in the municipal corporation of, under the residence district local option law resulted as follows:

Whole number of votes against the sale of intoxicating liquors as a beverage,

Whole number of votes for the sale of intoxicating liquors as a beverage,

....., Clerk.

In all cities having a city board of elections, the election provided for in this act shall be conducted by such board and the mayor or judge shall notify such board of the election, instead of the county board of deputy state supervisors of election, and when any election has been ordered, as provided in this act, the mayor of the municipal corporation shall issue a proclamation of the election to the voters of such residence district.

SECTION 6. The territory enclosed by the boundary of any residence district within which the sale of intoxicating liquors has been prohibited, as provided for in section 1 of this act, shall be controlled by the result of such action, and the law shall remain in full force and effect in said territory for two years and thereafter until another petition is presented under the provisions of this act in said residence district, or in a residence district in which the whole or part of said residence district has been incorporated by petition and by vote, as herein provided.

What territory controlled by result of election.

SECTION 7. Whenever any person, company or corporation engaged in such traffic that has discontinued such traffic within the time specified by section 1 of this act, has paid or is charged upon the tax duplicate with an assessment upon such traffic, the county auditor upon being satisfied of such fact, shall issue to each person, company or corporation a refunding order of an amount proportionate to the unexpired time for which said assessment has been paid or is charged.

Rebate of Dow tax when sale discontinued.

SECTION 8. The petition for an election provided for in this act shall be deemed sufficient and the mayor or judge shall order such election when the petition is signed by as many qualified electors as shall equal in number forty per cent. of the number of votes cast in said residence district at the last preceding general election; in municipalities which do not have registration of voters, the petition shall be deemed sufficient when it contains forty per cent. of the qualified electors residing in such residence district at the time of filing the petition and in indictments, affidavits, or informations for violation of this act, it shall not be necessary to set forth the facts showing that the required number of electors in the municipal corporation or residence district thereof petitioned for an election, that the election was held and that the majority voted in favor of prohibiting the sale as herein provided. But it shall be sufficient to state that the act complained of was then and there prohibited and unlawful.

What constitutes forty per cent. of the qualified electors.

Sufficiency of indictments under this act.

SECTION 9. At any time after two years from the date of an election held under the provisions of this act, but not before, another election may be petitioned for and shall be ordered by the mayor or common pleas judge as provided for in this act. But nothing contained in the provisions of this act shall affect, amend or repeal or alter in any way any other law or ordinance which prohibits throughout the municipality the selling, furnishing or giving away of intoxicating liquor as a beverage or the keeping of a place where intoxicating liquor is sold, furnished or given away as a beverage.

Another election may be held; when.

SECTION 10. Money received from fines and forfeited bonds collected under the provisions of this act shall be paid into the treasury of the municipal corporation wherein said fine was imposed or bond forfeited and shall be applied to such funds as the council of said corporation may direct.

Disposition of fines.

Contest of
election in
probate
court.

Mayor shall
be sum-
moned.

Method of
procedure.

SECTION II. Any person being a qualified elector of any residence district of any municipal corporation wherein an election shall have been held as provided for in this act may contest the validity of such election by filing a petition duly verified with the probate court of the county in which such residence district is situated, within ten days after the election setting forth the grounds for contest. The probate judge, upon the filing of such petition, shall forthwith issue a summons addressed to the mayor of such municipal corporation notifying him of the filing of such petition and directing him to appear in said court on behalf of said residence district at a time named in the summons, which time shall not be more than twenty days after the election nor less than five days after the filing of such petition. The probate judge shall have final jurisdiction to hear and determine the merits of the proceedings, and in other respects in the procedure of the hearing, he shall be governed by the law providing for the contesting of an election of a justice of the peace so far as such law is applicable. The probate court shall require the person or persons contesting the election to furnish security for costs before said petition is filed. Any qualified elector of such residence district may appear in person, or by attorney, in such contested election case in defense of the validity of the election.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 18, 1904.

Approved April 19, 1904.

MYRON T. HERRICK,

Governor.

75G

[House Bill No. 24.]

AN ACT

To permit the erection of fences along public highways.

Be it enacted by the General Assembly of the State of Ohio:

Land owner
may construct
fence from
side of road to
end of sides of
bridges or cul-
verts.

SECTION I. That any land owner along or through whose lands a state or county road is now or may hereafter be laid out and established, is authorized after permission and under the directions of the county commissioners of the proper county, to build and construct fences within said roads leading from the sides thereof to and along the approaches to, and to the ends of the sides of all bridges and culverts now constructed over streams and ravines in said highways, or that may hereafter be constructed therein.

Shall not ac-
quire title.

Provided further that said land owners shall not acquire title by prescription or otherwise to any portion or

portions of said highways becoming a part of the enclosures of such land owner, by reason of the construction of the fences as aforesaid; and such land owner shall promptly, upon the order of said county commissioners, remove such fences permitted and directed to be constructed in said highways as aforesaid, and no road supervisor shall remove any of such fences placed in said highways, by the direction of said county commissioners, as aforesaid, except upon permission first obtained from said county commissioners and said supervisor shall in no way interfere with any of such fences further than is necessary to open ditches and improve the roadbed of said highways.

When must
remove fence.

When road
supervisor
may remove.

SECTION 2. No barbed wire shall be used in the construction of said fence or fences; and the road supervisor is authorized and empowered to remove any barbed wire so used.

Barbed wire
not to be used.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 14, 1904.

Approved April 19, 1904.

MYRON T. HERRICK,
Governor.
76G

[House Bill No. 188.]

AN ACT

To provide when a publication of an advertisement, notice or proclamation shall be approved by the court or allowed as costs in any case or proceeding and when the same shall be payable.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That every publication of any advertisement, notice or proclamation required to be published in a newspaper by a trustee, assignee, executor, administrator, receiver, or any other officer of the court or any party in any case or proceeding shall be approved by the court or clerk thereof and allowed as a part of the costs in the case or proceeding.

Certain advertisements and notices to be approved by court or clerk and allowed as costs.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 14, 1904.

Approved April 19, 1904.

MYRON T. HERRICK,
Governor.
77G

AN ACT

To amend sections 1, 5, 6, 7, 10, 11, 14, 19, 21, of an act entitled "**An act to authorize trustees and county commissioners to organize special road districts out of two and not more than four townships occupying contiguous and compact territory, with power to improve roads in such district,**" passed April 26, 1898.

Be it enacted by the General Assembly of the State of Ohio:

Road districts:

SECTION 1. That sections 1, 5, 6, 7, 10, 11, 14, 19, 21, of an act entitled "**An act to authorize trustees and county commissioners to organize special road districts out of two and not more than four townships occupying contiguous and compact territory, with power to improve roads in such district,**" passed April 26, 1898, be amended so as to read as follows:

Organization of road districts; how governed and controlled.

Sec. 1. In any county two or more adjacent townships, not exceeding four townships, occupying contiguous and compact territory, may organize into road districts. Such road districts shall be governed and controlled for the purpose of constructing pikes and improving roads as herein provided by a road commission, composed of not more than four in number.

Road commission; how appointed; nominations by township trustees; removals and vacancies.

Such commission shall be appointed by the county commissioners of such county, not more than one of whom shall be a resident of any such township composing such road district, and such commissioner shall be nominated by the respective township trustees, and may be removed at any time for incompetency or neglect of duty by said county commissioners, and said county commissioners shall in like manner, make appointments to fill all vacancies in the office of the said board of road commissioners, caused by death, removal, resignation or otherwise of any road commissioner, and such person so appointed shall hold such office for the unexpired term of the person in whose stead he was appointed, and until his successor is appointed and qualified, unless removed for incompetency or neglect of duty by said county commissioners; and not less than ten days prior to the expiration of the term of office of any person holding such office of road commissioner, said board of county commissioners shall in like manner appoint his successor in office for the term as provided by section 7 of the Revised Statutes as herein amended; provided that all persons heretofore appointed to the office of road commissioner, shall hold such office for the full term for which he was appointed and until his successor is appointed and qualified, unless removed at any time for incompetency or neglect of duty by said county commissioners.

When appointment to be made.

Provided, that no such appointment of road commissioners shall be made or such commissioners appointed until the

construction of such a road district shall be petitioned for, to the county commissioners, by at least fifty or more of the resident taxpayers of each of such townships asking for the improvement of the public roads of such townships and asking for the establishment of such road districts.

Sec. 5. If, at such election, a majority of the votes cast are against the proposition of improving the public roads by general taxation, the said road commissioners shall not assess any tax for that purpose, and their duties shall cease.

Effect of negative vote.

Sec. 6. If, at such election, a majority of the votes cast be in favor of the policy of improvement of the public roads of such road district by general taxation such road commissioners shall each year designate and determine what roads should in their opinion be improved in said year. Said commissioners shall also determine each year the extent of such improvement in each township, at what points the improvement shall begin, and how much improvement shall be completed annually. No public highway [within] with the corporate limits of any city or village in such road district shall be improved unless such road extends through the road district continuously. Such road commissioners shall have power to employ counsel, and a competent civil engineer and such assistants for him as they deem necessary, who shall make a map of the roads so designated each year, and make profiles of such roads showing the grades thereof as they exist, and prepare such other information as may be required by the commissioners, all of which shall be kept on file in the county auditor's office for public inspection, and shall be notice to the public.

Effect of affirmative vote; designation of roads for improvement.

Employment of counsel, engineer and assistants.

Sec. 7. The commissioners so appointed shall hold their office for a term of four years, and each road commissioner shall hold such office until his successor is appointed and qualified, unless removed for incompetency or neglect of duty by said county commissioners. Before entering on the discharge of his duties each road commissioner shall take an oath of office to honestly and impartially discharge the duties thereof with a view to the public welfare, and give bond in the sum of fifteen hundred dollars, payable to the state of Ohio, for the use of the road district, conditioned that he will so discharge his duties, which bond shall be approved by the county commissioners and kept on file in the county auditor's office.

Term of office of commissioners; oath.

Bond.

Each road commissioner shall receive two dollars compensation for each day actually employed. The engineer employed by them shall receive not more than four dollars per day, and each assistant shall be allowed not more than one dollar and fifty cents per day, for each day actually employed, as may be agreed upon by the road commissioners. The compensation of the commissioners, engineer and assistants shall be allowed by the county commissioners, and the same and counsel services allowed by the road commissioners shall be paid out of the road fund raised for the purpose of making such road improvements.

Compensation.

Engineer's compensation.

How compensation paid.

Work of construction let on bids.

Exception.

Notice.

Contract; what to contain.

Contractor's bond.

Roads improved shall be free turnpikes; width.

Removal of fences or other structures encroaching on road.

Commissioners may regulate width of tires.

Sec. 10. When such road commissioners have by resolution determined to improve a designated road or part thereof, the work of its construction, including all labor and the hauling and spreading of material, shall be by them publicly let to the lowest responsible bidder; and the furnishing of the material shall also be by them publicly let at the same time, if possible, to the lowest responsible bidder. Provided that said road commissioners shall have the right to purchase any or all materials and secure the performance of any or all labor in any other manner, if said bids are not satisfactory to the board, or if no bids are received by the board. Due notice of such letting shall be given by publication in at least one newspaper of general circulation in said road district and by posters judiciously posted for a period of two consecutive weeks prior to such letting.

Sec. 11. All contracts shall be let upon plans and specifications adopted by the road commissioners and engineer, and said plans and specifications shall describe the road to be improved, and shall specify the various kinds of labor required, and the materials which shall enter into the construction of such road improvement. Bidders shall be required to separately state their bids for each class of work in such manner and upon such blank forms as the road commissioners may require.

Sec. 12. Each contractor shall be required to give bond in an amount not less than the contract price with sufficient sureties, at least one of whom shall be a resident of the county, for the faithful performance of his contract, payable to the state of Ohio for the use of the road district and which bond shall be so conditioned and the contract, plans and specifications shall form part of the same, and the same shall be approved by the road commissioners. The form of all contracts and bonds and all proceedings by the road commissioners shall be approved by their attorney.

Sec. 14. All roads improved under the provisions of this act shall be free turnpikes. No road shall be improved which is less than thirty-five feet in width. Before work on any improvement is commenced on any road, the road commissioners shall give at least ten days' notice to any landowner whose fences or other structures encroach on such road, to remove the same, and on failure to so remove the same, the contractor doing the work of construction shall forthwith remove the same, and the cost of such removal shall be certified by the road commissioners to the county auditor who shall enter the same on the tax duplicate as in other like cases, against the land of such owner, and the same shall be a lien thereon; and the road commissioners shall have the power to regulate the width of tires to be used on the improved roads in such road district as is conferred upon county commissioners in section 4904 of the Revised Statutes and the penalties provided by section 4905 of said statutes shall be applicable and imposed for any violation of the

rule adopted by such road commissioners to regulate travel on such improved roads.

Sec. 19. All improved roads in said district shall be kept in repair by the road commissioners, in the same manner as is provided by the general statutes for repair of roads; and to enable said road commissioners to keep the same in repair, there shall be annually levied by the county commissioners, upon each dollar's valuation of all the taxable property in said road district, an amount not exceeding five-tenths of a mill, as may be deemed necessary by the road commissioners, and the county auditor shall place the amount of taxes levied each year for such repairs upon the duplicate of the taxable property of the road district, including all cities and villages therein, and the same shall be collected by the county treasurer as other taxes are collected, or by distress or civil action.

Repair of roads; tax levy.

Sec. 21. All contracts entered into by any acting board of road commissioners appointed by the county commissioners, pursuant to the act passed April 26, 1898, shall be valid notwithstanding any defect that may exist in said act relating to the term of office or duties of any road commissioner.

Contracts heretofore entered into declared valid.

SECTION 2. That original sections 1, 5, 6, 7, 10, 11, 12, 14, 19 and 21, be and the same are hereby repealed.

Repeals.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 8, 1904.

Approved April 19, 1904.

MYRON T. HERRICK,

78G

Governor.

[Senate Bill No. 96.]

AN ACT

To provide for the preservation of battlefields and memorial sites.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Any incorporated association, having for its purpose the preservation of public parks and memorial sites, is hereby authorized and empowered to acquire and hold in perpetuity for memorial purposes for the free use and benefit of the public, any real estate in the state of Ohio, which heretofore has been, or may hereafter be, the site or scene of any battle, or other engagement, in behalf of, or in defense of, the government of the United States or of the state of Ohio, or which may have been used or set apart for the burial of American soldiers. Such association is authorized to improve such real estate so held by it, and to prescribe reasonable regulations for the use thereof by the public. In the event that such association and any owner or owners of

Certain incorporated associations may purchase battlefield or memorial sites.

When may condemn property.

such real estate, sought to be acquired by such association, are unable to agree upon the price to be paid therefor, such association is authorized and empowered to acquire the same by proceedings in a proper court, in the manner as is provided by law for the appropriation of private property by any municipal corporation of the state.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 8, 1904.
 Approved April 19, 1904.

MYRON T. HERRICK.
 79G

[House Bill No. 167.]

AN ACT

To amend section 50 of "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22nd, 1902, providing for the laying of water mains, and the grading, curbing, and draining of streets.

Be it enacted by the General Assembly of the State of Ohio:

**Municipal
 corporations.**

SECTION 1. That section 50 of "An act to provide for the organization of cities and incorporated villages and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as required by the constitution of Ohio, and repeal all sections of the Revised Statutes inconsistent herewith, passed October 22nd, 1902," be and the same is hereby amended so as to read as follows:

**Assessments
 which may be
 made special;
 method of as-
 sessment.**

Sec. 50. The council of any municipal corporation may assess upon the abutting, adjacent and contiguous or other specially benefited lots or lands in the corporation, any part of the entire cost of and expense connected with the improvement of any street, alley, dock, wharf, pier, public road, or place by grading, draining, curbing, paving, repaving, repairing, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, drains, watercourses, water mains or laying of water pipe and any part of the cost of lighting, sprinkling, sweeping, cleaning or planting shade trees upon the same by either of the following methods:

First. By a percentage of the tax value of the property assessed.

Second. In proportion to the benefits which may result from the improvement, or

Third. By the foot frontage of the property bounding and abutting upon the improvement.

SECTION 2. That section 50 of "An act to provide for the organization of cities and incorporated villages" passed October 22, 1902, (96 O. L., Extraordinary Session, 1902), be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 14, 1904.

Approved April 19, 1904.

80G

MYRON T. HERRICK,

Governor.

[Senate Bill No. 143.]

AN ACT

To amend section 695 of the Revised Statutes of Ohio, to increase salaries of teachers, the matron, and matrons of cottages at the Ohio soldiers' and sailors' orphans' home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 695 of the Revised Statutes of Ohio be amended so as to read as follows:

Ohio soldiers'
and sailors'
orphans'
home:

Sec. 695. The superintendent shall receive as compensation for his said services, the sum of twelve hundred dollars a year; the clerk, five hundred dollars a year; the matron forty dollars per month; the physician, who shall be required to reside at the institution, and to devote his whole time to the professional care of its inmates, twelve hundred dollars a year; the matrons of cottages forty dollars per month; superintendent of instruction, nine hundred dollars a year; school teachers, thirty-five dollars per month for the first year, forty dollars per month for the second year, and thereafter; seamstresses, fourteen dollars per month; tailoresses, twenty dollars per month; said salaries shall be paid by the superintendent in monthly installments, and receipts taken, and the several amounts carried into the monthly accounts of the superintendent.

Salaries of offi-
cers and em-
ployes.

SECTION 2. That said original section 695 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 13, 1904.

Approved April 19, 1904.

MYRON T. HERRICK.
81G

[Senate Bill No. 98.]

AN ACT

To amend section 2847 of the Revised Statutes of Ohio as amended April 27th 1893, regarding payment of taxes.

Be it enacted by the General Assembly of the State of Ohio:

Collection of
taxes:

SECTION 1. That Sec. 2847 of the Revised Statutes of the state of Ohio, as amended April 27th, 1893, be amended so as to read as follows:

Payment of
taxes on lands;
agents and
attorneys.

Sec. 2847. It shall be the duty of each and every person holding lands as aforesaid, to pay the tax which may be assessed thereon each and every year; provided, that agents and attorneys shall not thus be obliged to pay such taxes, unless sufficient moneys of their principals be in their hands to pay the same; and provided, further that any persons owning lands as aforesaid, may authorize or consent to the payment by any other person, of the taxes levied upon such lands, and any person so paying such taxes shall first obtain from the owner or owners of such lands a certificate of authority to pay such taxes, signed in the presence of two witnesses, and duly acknowledged before an officer authorized to administer oaths, which certificate shall contain an accurate description of the property as shown by the tax duplicate, the amount of the taxes levied thereon, the year for which the same were levied and the name of the person authorized to pay the same and the date of the payment thereof; and shall, within ten days from the date of the payment of such taxes, file the same in the office of the county recorder for record; and when such certificate has been filed as aforesaid, the amount thereof with interest at the rate of eight per cent. per annum from the date of the payment of such tax, shall operate as a lien upon such real estate in preference to all other liens and the money so paid, together with the interest thereon, may also be recovered by action for money paid to his use against the person or persons legally liable for the payment of such tax, which action may be brought by such person so paying such tax as aforesaid, at any time after the expiration of one year from the date of the payment thereof; that such certificate so filed as aforesaid with the county recorder, shall be recorded and cancelled in the same manner as mortgages on real estate, in a book to be separately kept and indexed by him for that special purpose, and such recorder shall receive such fees as are prescribed by law for recording real estate mortgages.

Payment by
other person
than owner.

Repeals.

SECTION 2. That said section 2847 of the Revised Statutes of Ohio, be and the same is hereby repealed.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate

Passed April 8, 1904.

Approved April 19, 1904.

MYRON T. HERRICK.

82G

[House Bill No. 198.]

AN ACT

To amend section 1808 of the Revised Statutes of Ohio, to fix amount of money in county and city funds out of which police clerk is paid.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1808 of the Revised Statutes of Ohio be amended so as to read as follows:

Municipal corporations.

Sec. 1808. He shall give such bonds, with sureties, as may be required by the council and county commissioners, and shall receive for his services, in city cases, a fixed salary to be prescribed by ordinance of the council, not more than two thousand dollars per annum, and for state cases such further allowance, not more than two thousand dollars per annum, payable out of the county treasury, as the county commissioners may deem proper.

Clerk of police court; his bond and compensation.

SECTION 2. That original section 1808 is hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 14, 1904.

Approved April 19, 1904.

MYRON T. HERRICK,
Governor.
84G

[Senate Bill No. 82.]

AN ACT

To amend sections 308 and 308a of the Revised Statutes of Ohio, relating to the duties of the commissioner of labor statistics, the appointment, duties and compensation of superintendents and clerks of free public employment offices.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 308 and 308a of the Revised Statutes of Ohio, be amended so as to read as follows:

Commissioner of statistics of labor:

Sec. 308. The commissioner shall have an office in the state house which shall be a bureau of labor statistics, and he shall collect, arrange and systematize all statistics relating to the industrial, social, educational and sanitary conditions of the laboring classes, and to the productive industries of the state, including the names of firms, companies, or corporations, where located, capital invested in grounds, buildings and machinery; class and value of goods produced or manufactured; number of days in operation; amount paid yearly for rent, taxes and insurance; amount paid in wages; number of employes, male and female; number en-

His duties.

gaged in clerical work and manual labor, with detailed classification of the number and sex engaged in each class or occupation, and the average daily wages paid to each.

**Appointment
of special
agents.**

Said commissioner is authorized to appoint special agents to represent the bureau with authority to visit the delinquent firms and collect such statistics, and perform such other duties as may be required, with like power as is conferred by law upon said commissioner; provided, that the compensation of such agents is paid from the contingent fund of the bureau. For the purpose of carrying out the provisions of this act, the state is hereby divided into five districts, the boundaries of which shall be designated by the governor and said commissioner and the governor and said commissioner shall appoint one superintendent for each of said districts to discharge the duties hereinafter set forth. Said superintendents shall cause to be posted in front of their said offices, on a sign board, or in a suitable place on the building where such offices are located, the words, "Free Public Employment Office."

**Establishment
of free public
employment
offices; super-
intendents.**

**Duties of
superinten-
dents.**

It shall be the duty of such superintendents to receive all applications for labor of those desiring employment and those desiring to employ labor, and record their names in a book kept for that purpose, designating opposite the name of each applicant the character of employment or labor desired, and the name of such applicant. Each of said superintendents shall be provided with a clerk if in the judgment of the commissioner the same may appear necessary for properly conducting the duties of their several offices.

Clerks.

**Fees, etc.,
from appli-
cants for-
bidden; re-
ports.**

No compensation or fee shall, directly or indirectly, be charged to or received from any person or persons seeking employment, or any person or persons desiring to employ labor through any of said offices. Said superintendent shall make a weekly report on Thursday of each week to said commissioner of all persons desiring to employ labor, and the class thereof, and all persons applying for employment through their respective offices, and the character of employment desired by each applicant; also, of all persons securing employment through their respective offices, and the character thereof, and a semiannual report of the expense of maintaining such offices. Said commissioner shall cause to be printed weekly a list of all applicants and the characters of employment desired by them, and of those desiring to employ labor, and the class thereof, received by him from the respective offices aforesaid, and cause a true copy of such list on Monday of each week to be mailed to the superintendent of each of said offices in the state, which said list by the superintendent shall be posted immediately on receipt thereof, in a conspicuous place in his office, subject to the inspection of all persons desiring employment. Said superintendents shall perform such other duties in the collection of labor statistics as said commissioner shall determine. Any superintendent or clerk, as herein provided, who directly or indirectly charges or receives any compensation from any person whomsoever in securing employment or

labor for any other person, or persons, as provided in this act, shall be deemed guilty of a misdemeanor, and be fined in any sum not exceeding fifty dollars and imprisoned in the county jail or workhouse not exceeding thirty days.

Said superintendent of each of such offices shall receive a salary of fifteen hundred dollars per annum, and said clerk shall receive a salary of seven hundred and twenty dollars per annum, payable monthly. Said salaries shall be paid upon warrant of the auditor of state on the treasurer of state from the state funds through the bureau of labor statistics.

Sec. 308a. The tenure of office for all superintendents of free public employment offices shall be two years from the date of appointment, but the commissioner of labor statistics shall have the power, by and with the consent of the governor, of removing any of such superintendents for good and sufficient cause. The clerk allowed in any free public employment office shall be appointed by the superintendent of the respective office, when approved by said commissioner, and shall serve during the pleasure of the superintendent; provided, however, that all superintendents and clerks now in office shall remain in office until the expiration of their present terms, unless sooner removed by the governor and commissioner for good cause shown, which power is hereby given the governor and said commissioner, and in case of such a removal, and at the end of the present terms of superintendents or clerks, their successors shall be appointed as herein provided.

Term of
office; clerk.

SECTION 2. That said section 308 and 308a, of the Revised Statutes of Ohio be and the same are hereby repealed.

Repeals.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 14, 1904.

Approved April 19, 1904.

MYRON T. HERRICK.
85G

[Senate Bill No. 126.]

AN ACT

To amend section 218-4 of the Revised Statutes of Ohio, relating to the board of public works and their employees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 218-4 of the Revised Statutes of Ohio be amended to read as follows:

Board of
public works:

Sec. 218-4. (Engineer of public works; how appointed; salary; bond and oath; board may appoint assistant engineer; salary; bond and oath; board to regulate tolls, water rents, fines, and appoint collectors; secretary of board; clerk;

Engineer of
public works;
how appointed.

	lock tenders, etc.; engineers, collectors, etc., to give and take oath; board to fix salaries of certain officers; vacancies; how filled.) The office of (chief) engineer of public works is hereby created, and said officer shall be appointed by the governor, with the consent of the senate; he shall be a practical civil engineer, and shall hold his office for the term of two years unless the state releases the public
Term.	works. His salary shall be at the rate of three thousand
Salary.	dollars per annum, to be paid monthly out of the canal fund after the services are rendered, upon the order of the board of public works and on the warrant of the auditor of
Bond.	state, and he shall give bond, with good and sufficient security, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, and shall take an
Oath.	oath of office similar to that prescribed in section three, 218-3 for the officers therein named. He shall, under such rules and regulations as the board of public works may prescribe, have supervision and oversight of the several
Shall have supervision of superintendents, etc.	superintendents of repairs, and other officers, and report delinquencies whenever they occur. And the board may
Board may appoint assistant engineer; term, salary, bond, etc.	appoint an assistant engineer, who shall be a practical civil engineer, and shall hold his office for two years unless sooner removed, and shall be subject to such rules and regulations, not contrary to law, as may be from time to time prescribed by the board. He shall receive a salary not exceeding sixteen hundred dollars per annum, payable monthly, after the services are rendered, upon the order of the board, on the warrant of the auditor of state. He shall give bond, with good and sufficient securities, to be approved by the board, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, and shall take an oath similar to the one taken by the chief engineer. The chief engineer shall have general supervision, under the direction of the board, of all the public works belonging to this state, and shall perform such other duties as the board
Board to regulate tolls, water rents, fines and appoint collectors.	shall from time to time direct. Said board shall have power to regulate the rate of tolls to be collected on the public works of this state, and to appoint collectors of the same together with the water rents and fines, at such points as shall have been or may be established for the collection of tolls, as hereinafter provided; and said collectors shall be governed by such rules and regulations as the said board may prescribe, not inconsistent with law. Said board of public
Secretary of board.	works shall have power to appoint one secretary, whose salary shall not exceed fifteen hundred dollars per annum, who shall be paid monthly after the services are rendered, upon the order of the board, on the warrant of the auditor of state. They shall also have power to appoint one clerk, if necessary, at a cost not exceeding seven hundred dollars per annum, to be paid in the same manner as the secretary.
clerk.	
Members of board are superintendents of canals.	Members of the board of public works shall be and are hereby made the superintendents of the canals of the state, and shall give their entire time and attention to the care and maintenance of the canals and public works of the state.

and each shall receive a compensation of fifteen hundred dollars per annum as such superintendents; said compensation to be paid out of the canal fund of the state. The board of public works shall appoint the necessary number of superintendents of repairs, lock tenders, and other employes, and assign them to post of duty, under such rules and regulations as may be prescribed for their government. Each collector of tolls, shall, before he enters upon the discharge of his duties as such, give bond to the state of Ohio in such sum as the board of public works may require, conditioned for the faithful discharge of the duties of his office, and the proper accounting for all moneys coming into his hands as such an officer, which bond, with sufficient security, approved by the board, shall at once be deposited with the auditor of state, together with the oath or affirmation of such officer that he will faithfully and diligently discharge all the duties appertaining to his office, and promote to the extent of his ability the interest of the state, so far as may be legally in his power. Said oath shall be taken before an officer having the power to administer oaths, and shall be certified and attested by such officer in duplicate certificates, one of which shall be filed in the office of the board of public works, and the other in the office of the auditor of state. The secretary, clerk, collectors of tolls, lock tenders and other necessary employes, shall be appointed during the pleasure of the board of public works, and may be removed from office or employment at any time when, in the judgment of the board, the public interest will be promoted thereby; the board shall fix the rate of salaries to be paid monthly out of the canal fund, upon the order of the board of public works on the warrant of the auditor of state, to the superintendents of repairs, collectors, lock tenders and other necessary employes, grading the same according to the services and labor to be performed in each case. All vacancies that may occur by reason of death, resignation or otherwise shall be filled by the board of public works, in the same manner as appointments are made.

SECTION 2. That said subsection 218-4, be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 14, 1904.

Approved April 19, 1904.

MYRON T. HERRICK.

86G

Superintendents of repairs, lock tenders, etc.

Collectors' bond and oath.

Board to fix salaries of certain officers.

Vacancies: how filled.

Repeals.

[Senate Bill No. 76.]

AN ACT

To provide for appropriation of private property in municipalities by corporations for street railway purposes.

Be it enacted by the General Assembly of the State of Ohio:

Street railway companies may appropriate private property when deemed necessary by directors thereof.

SECTION 1. That whenever it is deemed necessary by a majority of the directors of any domestic or foreign corporation owning or operating or that may hereafter own or operate a street railway in any municipality in this state to appropriate private property in such municipality in order to avoid dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations or to extend or shorten its railway line, or to provide additional land on which to extend its power plant, then such corporation may appropriate so much of such private property as may be necessary for the said extension of such power plant, or the construction, operation, and maintenance of the tracks, poles, supports, wires, cables and necessary appliances of such railway other than power houses, machine shops, stations or substations in the mode and manner and subject to the provisions provided for the appropriation of property in part third, title 2, chapter 8, of the Revised Statutes of Ohio. Provided, however, that this act shall not be construed to amend or repeal any existing laws relating to the extension of street railway lines within municipalities.

Method.

Proviso.

Such corporation may change location of any portion of such railway.

SECTION 2. For the purposes hereinbefore provided such corporation may change the location of any portion of its railway, whether heretofore made or hereafter made; and for the purpose of making any such change, such corporation shall have all the rights, powers and privileges to enter upon private land and make surveys necessary to effect such change as fully as railroad companies are permitted to do under the laws of this state.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 7, 1904.

This bill was presented to the governor April 7, 1904, and was not signed nor returned to the house wherein it originated within ten days after being so presented, exclusive of Sunday and the day said bill was presented, and was filed in the office of the secretary of state, April 20, 1904.

AN ACT

To define and punish certain offenses in connection with primary elections and nominating conventions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. No person shall be allowed to vote at any primary election except he be an elector resident of the precinct, ward or township in which he desires to vote and except he voted with the political party holding such primary election at the last general election, providing he voted at all at such election, unless he be a first voter; nor shall any person vote more than one time, or at any other than at the polling place in that precinct, ward or township wherein he resides.

Who not allowed to vote at primary election.

Any person who shall violate the provisions of this act shall be fined not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars, or imprisoned in the penitentiary for one year, or both in the discretion of the court.

Penalty for unlawful voting.

SECTION 2. Any person who shall solicit, request, demand or receive, directly or indirectly, any money, intoxicating liquor or other thing of value, or the promise thereof, either to influence his vote, or to be used, or under the pretense of being used to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of an election for or against any candidate for office, or for or against any measure or question to be voted upon at such election, shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars, or be imprisoned in the penitentiary for one year, or both in the discretion of the court.

Bribery.

Penalty.

SECTION 3. In any prosecution brought under this act, when any person is called to testify, he shall be required to testify to all the facts of which he has any knowledge and upon so testifying he shall be deemed acquit of any guilt as to the matters to which he has so testified, and the fact that he has so testified shall forever be a bar to any prosecution brought against him for violating this statute as to such case or circumstance to which he may have been required to testify.

Witness testifying shall be exempt from prosecution.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 19, 1904.
Approved April 20, 1904.

MYRON T. HERRICK,
Governor.
88G

AN ACT

To change the subdivisions of the seventh common pleas judicial district, of the state of Ohio, and to provide for the election of additional judges in said district, and the holding of courts therein, and to repeal certain acts and parts of acts therein named.

Be it enacted by the General Assembly of the State of Ohio:
(two thirds of the members elected to each branch thereof concurring.)

Seventh judicial district; subdivisions defined.

SECTION 1. That the subdivisions of the seventh judicial district of the state of Ohio, which does and shall hereafter consist of the following counties, to-wit: Fairfield, Hocking, Perry, Athens, Vinton, Gallia, Meigs, Washington, Monroe, Jackson, Lawrence, Pike, Scioto and Adams, be, and the same are hereby changed, and shall hereafter be constituted as follows: That the counties of Perry, Athens, Washington, and Monroe shall constitute the first subdivision thereof; the counties of Fairfield, Hocking, Vinton, Meigs, and Gallia shall constitute the second subdivision thereof; and the counties of Jackson, Lawrence, Pike, Scioto, and Adams shall constitute the third subdivision thereof.

Judges now in office continued.

SECTION 2. That the judges of the court of common pleas, heretofore elected and holding office in the territory comprising the several subdivisions of the seventh judicial district, shall serve out their judicial terms, and during the residue of their respective terms, be deemed the judges of that subdivision and district hereby formed in which the residences of said judges were respectively fixed at the time of the passage of this act. But nothing herein shall be construed to affect the time now fixed for holding any of the terms of court in any of the subdivisions of said district, for the present judicial year.

Additional judges.

SECTION 3. That in addition to the judges of the court of common pleas, provided for by the constitution of the state of Ohio, one of whom has been elected in each of the subdivisions as heretofore constituted, and one of whom now resides in each of the subdivisions as formed by this act, there shall be five additional judges of the court of common pleas who shall reside in and be elected by the qualified electors of said several subdivisions of said judicial district, as they are constituted and described by this act, as hereinafter set forth.

One in first subdivision.

SECTION 4. There shall be one additional judge of the court of common pleas in and for said seventh common pleas judicial district, who shall reside in the first subdivision thereof, as hereby constituted, and who shall be elected by the electors of the said subdivision on the first Tuesday after the first Monday in November, A. D. 1904, for the term of five years, commencing on the 8th day of February, A. D.

1905, and his successor shall be elected on the first Tuesday after the first Monday in November, A. D. 1909, and every five years thereafter.

SECTION 5. There shall be two additional judges of the court of common pleas in and for the said seventh common pleas judicial district, who shall reside in the second subdivision thereof as hereby constituted, and who shall each be elected by the electors of said subdivision on the first Tuesday after the first Monday in November, A. D. 1904, for the term of five years each, one for the term commencing on the 5th day of December, A. D., 1904, and the other for the term commencing on the first Monday in January, 1905, and their successors shall be elected on the first Tuesday after the first Monday in November, A. D. 1909, and every five years thereafter.

Two in second subdivision.

SECTION 6. There shall be two additional judges of the court of common pleas in and for the said seventh judicial common pleas district who shall reside in the third subdivision thereof, as hereby constituted, one of whom shall be elected by the electors of the said subdivision on the first Tuesday after the first Monday in November, A. D., 1906, for the term of five years, commencing on the 8th day of February, A. D., 1907, and his successor shall be elected on the first Tuesday after the first Monday in November, A. D., 1911, and every five years thereafter, and the other additional judge herein provided for in said subdivision shall be elected by the qualified electors of the said subdivisions on the first Tuesday after the first Monday in November, A. D., 1908, and his successor shall be elected on the first Tuesday after the first Monday in November, A. D., 1913, and every five years thereafter.

Two in third subdivision.

SECTION 7. That each of said additional judges herein provided for, shall receive the same salary as other judges of the court of common pleas, and when so elected and qualified they shall have, in all respects, the same powers and jurisdiction, and discharge all the duties as are now conferred and enjoined by the constitution and laws of this state, upon the judges of said court; and any vacancy that may occur in the office of any of said additional judges, by death, resignation or otherwise, shall be filled as in cases of vacancy in the office of judge of said court.

Salary, powers, liabilities, vacancies.

SECTION 8. That the following acts, and parts of acts, be, and the same are hereby repealed.

Repeals.

1. The act of May 12, 1858 (Vol. 55., O. L. pages 66 & 67) entitled: "An act to provide for the election of an additional judge of the court of common pleas for the second subdivision of the seventh judicial district."

2. The act of April 3, 1868. (O. L. 65, page 58 & 59). entitled: "An act to provide for the election of an additional judge of the court of common pleas for the third subdivision of the seventh judicial district," and the act of April 30th, 1868, (O. L. Vol. 65, page 126 and 127) supplementary thereto, entitled: "An act amendatory and supplementary to the act to provide for the election of an additional judge

of the court of common pleas in the third subdivision of the seventh judicial district, passed April 2nd, 1868", (April 3rd, 1868), and the act of April 13, 1872, (O. L. Vol. 69, page 73), entitled: "An act to amend section 4 of an act entitled: "An act to amend and supplementary to the act to provide for the election of an additional judge of the court of common pleas in the third subdivision of the seventh judicial district, passed April 30, (2nd), 1868" 145 O. L. (26), (O. L. 65, p. 126)."

3. The act of March 5th, 1883, (O. L. Vol. 80, pages 40 & 41) entitled: "An act to authorize the election of an additional judge of the court of common pleas in the first subdivision of the seventh judicial district of the state of Ohio."

4. Sections 2, 3, & 4, of an act of May 9, 1894, (O. L. Vol. 91, pages 218 & 219), entitled: "An act to apportion the seventh and eighth judicial districts and the fourth and seventh judicial circuits of Ohio, and to authorize the election of an additional judge in the third subdivision of the seventh common pleas judicial district."

5. Section 2, 3, 4 & 5, of an act of April 21, 1896, (O. L. Vol. 92, pages 214 & 215), entitled: "An act to apportion the fifth and seventh judicial districts and to authorize the election of an additional judge in the second subdivision of the seventh judicial district and to repeal certain sections."

Saving clause.

SECTION 9. That nothing in this act shall be construed to affect in any wise the present incumbents elected by virtue of any of said acts, or parts of acts, hereby repealed, either in their compensation, powers, duties or obligations, or any otherwise for and during the term of office for which said judges were severally elected, and any vacancy that may occur, in either or any of said offices, before the same expires, as herein provided, shall be filled as other vacancies in office of common pleas judge and in the event of an election to fill any such vacancy, the same shall be held as provided by law, on the first Tuesday after the first Monday in November, in the subdivision, as herein created, in which the judge or judges whose office becomes vacant, shall reside, at the time of the passage of this act.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 18, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,

Governor.

89G

[House Bill No. 90.]

AN ACT

To provide for the payment of a part of the costs of the contested election case of Emmet M. Wickham vs. George Coyner.

WHEREAS: On the 20th day of February, 1902, the circuit court of Delaware county, Ohio, rendered a judgment in a cause then pending therein, wherein Emmet M. Wickham contested the election of George Coyner to the office of judge of the court of common pleas in the first subdivision of the sixth common pleas district of the state of Ohio; and

Preamble.

WHEREAS, Said circuit court as a part of its judgment in said cause, under, and by the authority of Revised Statutes of Ohio, section 3014-5 ordered that a part of the costs of said cause be paid out of the state treasury; therefore,
Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be appropriated out of the general revenue fund of the state, not already appropriated, the sum of seven hundred and fifty dollars and twenty-nine cents for the purpose of paying that part of the costs of the contested election case of Emmet M. Wickham vs. George Coyner, so adjudged by the circuit court of Delaware county: And the auditor of state is hereby authorized and directed to draw his warrant on the state treasurer for the amount above specified payable to Burt P. Benton, clerk of courts of Delaware county, Ohio, to be by him distributed and paid to the persons enumerated in the schedule of costs allowed under house bill 90 as amended in the senate and now on file in the office of the clerk of courts of Delaware county, Ohio.

Appropriation
to pay costs
in contested
election case of
Emmet M.
Wickham vs.
George Coyner.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,

Governor.
90G

[House Bill No. 143.]

AN ACT

To provide for a commission for building court houses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That when the county commissioners of any county have determined under and by the authority of the statutes of the state of Ohio to erect a court house which shall cost to exceed twenty-five thousand dollars and after the question of issuing the bonds of said county for the

Appointment
of commission
for building
court house.

construction of said court house or other county building has been submitted to a vote of the electors of the county, and said question has been determined by said electors in the affirmative, said county commissioners shall, within thirty days after said election has been held and the results thereof determined, apply to the judge of the court of common pleas for said county, who shall appoint four suitable and competent freehold electors of said county, not more than two of whom shall be of the same political party, who shall, in connection with the county commissioners, constitute a building commission and who shall serve until the completion of said court house as contemplated herein. Said persons so appointed shall receive a reasonable compensation for the time actually employed by them; said compensation to be fixed by the court of common pleas and paid on approval of said court. The necessary expenses for stationery, postage, correspondence and of travel out of said county, required in the discharge of the duties of said commission, shall be paid out of the treasury of said county on the order of the county commissioners and the warrant of the auditor. Said freehold electors so appointed as aforesaid, shall, before entering upon the discharge of their duties as herein provided, each take an oath of office, and shall, severally, enter into bond for the faithful and honest discharge of duties of their office, in the same amount as is required in cases of county commissioners, and with sureties to the approval of said judge of the court of common pleas; said bonds to be delivered to and kept by the county treasurer. In case of the death, resignation or removal of any of the members of said building commissions so appointed, the vacancy shall be filled by said common pleas judge by appointment as hereinbefore provided. Said building commission shall, after adopting plans, specifications and estimates invite bids and award contracts for said court house, and for furnishing, heating, lighting, ventilating and for sewerage of the same, and to determine all questions connected therewith until said court house shall have been completed and accepted by said building commission.

Compensation of members.

Expenses.

Oath and bond.

Vacancies.

Contracts.

Architects, superintendents, etc.

SECTION 2. Said commission shall have authority to employ architects, superintendents and other necessary employes during said construction and shall fix their compensation and bond.

SECTION 3. Plans, drawings, representations, bills of materials, specifications of work and estimates of costs thereof, when approved by said building commission, shall be filed by the county auditor in his office, and shall not be altered, deviated from or added to, unless the proposed alteration, deviation or addition shall first be drawn, specified and estimated for as required by law for the original plans and approved by said building commission and provided, further, no such changes shall be made until the price to be paid for same shall have been agreed upon in writing between said building commission and the contractor.

Filing of plans, drawings, etc., with county auditor.

SECTION 4. Resolutions for the adoption or alteration of the plans or specifications, the award of contracts, the hiring of architects, superintendents or other employes and the fixing of their compensation, the approval of bonds and the allowance of estimates shall be in writing, and require for their passage the votes of five members of said building commission to be taken by yeas and nays, and recorded on the journal of the county commissioners, and the county auditor shall draw his warrant on county treasury for the payment of all bills and estimates of said commissioners only when signed by five members of said commission.

How commission shall proceed.

SECTION 5. Full and accurate records of all proceedings of said building commission shall be kept by the county auditor upon the journal of the county commissioners, and he shall carefully preserve in his office, all plans, drawings, representations, bills of material and specifications of work and estimates of costs in detail and in the aggregate pertaining to said court house or other county building.

Record of proceedings.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 18, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,

Governor.

91G

[Senate Bill No. 103.]

AN ACT

To amend section 1 of an act entitled "An act to confer further jurisdiction upon probate courts of certain counties therein named" passed May 19, 1894, as amended April 27, 1896, as amended April 13, 1900.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act to confer further jurisdiction upon probate courts of certain counties therein named," passed May 19, 1894, as amended April 27, 1896, as amended April 13, 1900, be so amended as to read as follows:

Probate court:

Sec. 1. That the probate court in the counties of Pickaway, Licking, Richland, Perry, Defiance, Henry and Coshocton, shall have concurrent jurisdiction with the court of common pleas in all proceedings in divorce, alimony, partition and foreclosure of mortgages, and in any such suit or proceedings in the probate court of either or any of said counties, said probate court shall have jurisdiction to make, render and enter any finding, order, judgment or decree, which the court of common pleas has jurisdiction to make, render and enter in any such suit or proceedings, and the

In Pickaway, Licking, Richland, Perry, Defiance, Henry and Coshocton counties court shall have concurrent jurisdiction with common pleas court in certain cases.

probate court in each of said counties shall hold four terms annually for the hearing and trial of such causes, to-wit: One term commencing the first Monday in January, one term commencing the first Monday in April, one term commencing the first Monday in July, one term commencing the first Monday in October; provided that litigants shall have the right to appeal and of error from the probate court to the common pleas court.

Repeals.

SECTION 2. That said original section 1 as amended be and the same is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,
Governor.
92G

[House Bill No. 157.]

AN ACT

To amend section 2478 of the Revised Statutes of Ohio, authorizing the council of cities or villages to regulate the price that may be charged by electric lighting companies, natural or artificial gas companies, gas light or coke companies or companies to supply water for public or private consumption.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2478 of the Revised Statutes of Ohio be amended so as to read as follows:

Gas and electric companies and plants: Council may regulate price of electric light, gas or water.

Sec. 2478. The council of any city or village in which electric lighting companies, natural or artificial gas companies, or gas light or coke companies, or companies for supplying water for public or private consumption, may be established, or into which their wires, mains or pipes may be conducted, are hereby empowered to regulate from time to time, the price which said electric lighting, natural or artificial gas, gas and coke companies, or companies for furnishing water for public or private consumption, may charge for electric light, or for gas for lighting or fuel purposes, or for water for public or private consumption, furnished by such companies to the citizens, public grounds and buildings, streets, lanes, alleys, avenues, wharves, and landing places, or for fire protection; and such electric lighting, natural or artificial gas, gas light or coke companies, or companies for furnishing water for public or private consumption, shall in no event, charge more for any electric light, or natural or artificial gas, or water, furnished to such corporation or individuals, than the price specified by ordi-

nance of such council; and such council shall also have power to regulate and fix the price which such companies shall charge for rent of their meters.

SECTION 2. That section 2478 as amended March 1, 1889, is repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,
Governor.
93G

[House Bill No. 346.]

AN ACT

To exempt from taxation public monuments or memorials to distinguished deceased persons, and the lands whereon the same are located and the funds for erecting and maintaining the same and to supplement section 2732 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2732 of the Revised Statutes of Ohio be supplemented by Sec. 2732a as follows:

Sec. 2732a. Any lands held and used as the place of interment of any distinguished deceased person and as the place of a monument or memorial to such deceased person, as provided for by section 3575-a of the Revised Statutes of Ohio, together with any funds or moneys raised or held for the purpose of maintaining or caring for such monument or memorial, and its place of erection shall, so long as they are held and used for said purpose, be exempt from taxation or assessment for any purpose whatsoever.

Exemption
from taxation:

Lands to be
used as site
for monument
of distinguish-
ed deceased
person shall be
exempt from
taxation.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,
Governor.
94G

AN ACT

To amend sections 2 and 3 of an act, entitled "An act to provide against the adulteration of food and drugs," passed March 20, 1884, 81 O. L. 67.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2 and 3 of an act entitled, "An act to provide against the adulteration of food and drugs," passed March 20, 1884, be amended to read as follows:

Terms "drug"
and "food" de-
fined.

Sec. 2. The term "drug," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man, whether simple, mixed or compound.

Sec. 3. An article shall be deemed to be adulterated within the meaning of this act:

When drugs
deemed adul-
terated.

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the seventh decennial revision of the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the seventh decennial revision of the United States Pharmacopœia but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) if, its strength, quality or purity falls below the professed standard under which it is sold.

When food
deemed
adulterated.

(b) In [the] case of food, drink, confectionery or condiment: (1) If, any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if it is sold under a coined name and does not contain some ingredient suggested by such name or contains only an inconsiderable quantity; (9) if the package containing it or any label thereon shall bear any statement regarding it or its composition which shall be false or

misleading in any particular; provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, or drink, if each and every package sold or offered for sale be distinctly labeled in words of the English language, as mixtures or compounds, with the name and per cent. of each ingredient therein. The word "compound" or "mixture" shall be printed in type not smaller in either height or width than one-half the largest type upon any label on the package and the formula shall be printed in letters not smaller in either height or width than one-fourth the largest type upon any label on the package, and said compound or mixture must not contain any ingredient injurious to health.

SECTION 2. That said original sections 2 and 3 of said original act, be and the same are hereby repealed. Repeals.

SECTION 3. This act shall take effect sixty days after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,
Governor.
95G

[House Bill, No. 142.]

AN ACT

To amend section 871 of the Revised Statutes of Ohio, and to authorize county commissioners to borrow money for the purpose of building or repairing memorial hall, court house, jail, infirmary, etc., and to issue bonds therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 871 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 871. The commissioners, for the execution of the objects stated in the preceding section, or for the purpose of erecting or acquiring any building in memory of Ohio soldiers, court house, buildings for county offices, jail, county infirmary, or any necessary buildings, or bridge, or for the purpose of enlarging, repairing, improving or rebuilding of any such building or bridge, or for the relief or support of the poor, may borrow such sum or sums of money as they deem necessary, at a rate of interest not to exceed six per cent. per annum, and issue the bonds of the county to secure the payment of the principal and interest thereof; such interest shall be paid semiannually, at the county treasury, and the principal shall be paid at such treasury, at such time as the commissioners prescribe, within thirty years from the date

County commissioners:

May borrow money for purchase of lands for, or for building or improving memorial hall, court house, jail, infirmary, or bridge or for poor, etc.

of such indebtedness; the interest on all the bonds issued for any of said purposes, shall become due and payable at the same time, and the first payment of interest on any such bond shall be for such portion of the six months as has elapsed between the date of its issue and the time specified therein for the first payment of interest thereafter; provided that in the case of bridges over streams on abandoned turn-pikes, the provision of section 2825 of the Revised Statutes shall not apply.

Repeals, etc.

SECTION 2. That said original section 871, be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,

Governor.
96G

[House Bill No. 231.]

AN ACT

To amend section 197 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22nd, 1902, to provide for compensation for councilmen in villages.

Be it enacted by the General Assembly of the State of Ohio:

Municipal cor-
porations.

SECTION 1. That section 197 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22nd, 1902, be amended so as to read as follows:

Compensation
and bonds of
officers, clerks
and employes
in villages.

Sec. 197. Council shall fix the compensation and bonds of all officers, clerks and employes in the village government, except as otherwise provided in this act. All bonds shall be made with sureties subject to the approval of the mayor. The compensation so fixed shall not be increased or diminished during the term for which any officer, clerk or employe may have been elected or appointed; provided that members of council may receive as compensation the sum of two dollars for each meeting, not to exceed twenty-four meetings in any one year, and they shall have such other

powers as are conferred upon councils of villages by section 1678 of the Revised Statutes of Ohio.

SECTION 2. That said section 197 is hereby repealed; Repeals.
and section 194 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22nd, 1902, so far as its provisions are inconsistent with the provisions of this act, is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,
Governor.
97G

[House Bill No. 253.]

AN ACT

To amend section 4 of an act entitled "An act to regulate the sale of milk," passed April 10, 1889.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4 of an act entitled "An act to regulate the sale of milk," passed April 10, 1889, be amended so as to read as follows:

Sec. 4. In all prosecutions under this chapter, if the milk is shown upon analysis to contain more than eighty-eight per cent. of watery fluid, or to contain less than 12 per cent. of solids or to contain less than three per cent. of fats, it shall be deemed for the purpose of this chapter to be adulterated. Adulterated milk defined.

SECTION 2. That said section 4 is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,
Governor.
98 G

[House Bill No. 251.]

AN ACT

To amend section 6902 of the Revised Statutes of Ohio, relating to penitentiaries and jails.

Be it enacted by the General Assembly of the State of Ohio:

Offenses
against public
justice:

Conveying into
prison things
with intent to
aid an escape;
penalty.

Conveying in-
toxicating
liquors or
certain drugs
into prison
contrary to
rules; penalty.

Conveying
letters, etc.,
into or from
prison; penalty.

Repeals.

SECTION 1. That section 6902 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 6902. Whoever conveys, or attempts to convey into the penitentiary or a jail, or any other place of confinement, anything useful to effect the escape of any prisoner lawfully detained therein, and with intent thereby to facilitate the escape of such prisoner, whether an escape be effected, or attempted, or not, shall, if such prisoner be detained for felony, be imprisoned in the penitentiary not more than three nor less than two years, or if detained for a misdemeanor, be fined not more than five hundred nor less than fifty dollars, or imprisoned not more than three months, or both; and whoever conveys, or attempts to convey into the penitentiary or a jail, or any other place of confinement where any person or persons are lawfully detained, any intoxicating liquor or liquors, or any stimulating, sedative, or narcotic medicines, such as cocaine, opium, chloral, chloroform, or ether, (except in accordance with the rules of such penitentiary, or jail, or other place of confinement, and upon the advice and written prescription of the regularly appointed physician thereof,) shall be deemed guilty of a misdemeanor, and fined not more than one hundred dollars nor less than ten dollars, or imprisoned not more than one year, or both; and whoever conveys or attempts to convey into the penitentiary or a jail, any letters or other missive, (contrary to the rules of the prison) which is intended for any prisoner lawfully confined therein, or whoever conveys from within the enclosure to the outside of the penitentiary or jail, any letter or other missive (contrary to the rules of the prison) written or given by any prisoner lawfully detained therein, unless the warden of the penitentiary, or the sheriff having charge of such jail, has given his consent in writing in each and every case, shall be deemed guilty of a misdemeanor, and fined not more than one hundred dollars nor less than twenty-five dollars, or imprisoned not more than ninety days, or both.

SECTION 2. That said section 6902 of the Revised Statutes of Ohio be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 18, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,

Governor.

99G

[House Bill No. 461.]

AN ACT

To amend sections 51, 52, 54, 55, 60, 70, 71, 72, 73, 74, and 76 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as required by the statutes of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, and providing a procedure for improvements by special assessments.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 51, 52, 54, 55, 60, 70, 71, 72, 73, 74 and 76 of an act entitled "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as required by the statutes of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be amended so as to read as follows:

Municipal corporations:
assessments.

Sec. 51. Whenever it is deemed necessary by any city or village, to make any public improvement to be paid for in whole or in part by special assessments council shall declare by resolution (three-fourths of the whole number elected thereto concurring, except as otherwise provided herein), the necessity of such improvement. At the time of the passage of said resolution council shall have on file in the office of the board of public service in cities, and of the clerk in villages, plans, specifications, estimates and profiles of the proposed improvement, showing the proposed grade of the street and improvement after completion, with reference to the property abutting thereon, which plans, specifications, estimates and profiles shall be open to the inspection of all persons interested. Said resolution shall determine the general nature of the improvement, what shall be the grade of the street, alley, or other public place to be improved, as well as the grade or elevation of the curbs and approve the plans, specifications, estimates and profiles for the proposed improvement. Council shall also determine in said resolution the method of the assessment, the mode of payment thereof, and shall determine whether or not bonds shall be issued in anticipation of the collection of the same. Assessments for any improvement may be payable in one to ten installments and at such time as council may prescribe, and when bonds are issued in anticipation of the collection of the assessment, the interest thereon shall be treated as part of the cost of the improvement for which assessment may be made. If said assessment or any installment thereof shall not be paid when due, they shall bear interest until the payment thereof at the same rate as the bonds issued in anticipation of the collection of the same and the

Resolution of
necessity.

Plans, specifications, estimates and profiles to be prepared and filed in office of department of public service.

Council to determine method of assessment, etc.

Publication of resolution.

county auditor shall annually place upon the tax duplicate the penalty and interest therein provided for. Said resolution shall be published according to section 124 of the act of which this is amendatory, but shall take effect upon its first publication.

Notice, how served.

Sec. 52. A notice of the passage of the resolution required in the last preceding section shall be served by the clerk of council, or an assistant, upon the owner of each piece of property to be assessed in the manner provided by law for the service of summons in civil actions, provided, that if any of said owners or persons be not residents of the county, or if it appears by the return, in any case, of the notice that such owner cannot be found, then a notice of the passage of said resolution shall be published at least twice in some newspaper of general circulation within the corporation, and such notice, whether by service or publication, shall be completed at least twenty days before the improvement is made or the assessment levied, and the return of the officer or person serving such notice, or a certified copy of said return shall be prima facie evidence of the service of the notice as herein stated.

Claims for damages to be filed with clerk of council.

Sec. 54. An owner of a lot, or of land, bounding or abutting upon a proposed improvement, claiming that he will sustain damages by reason of the improvement, shall, within two weeks after the service, or the completion of the publication of the notice mentioned in section 52, file a claim in writing with the clerk of the council, setting forth the amount of the damages claimed, together with a general description of the property with respect to which it is claimed the injury will accrue; an owner who fails to do so, shall be deemed to have waived the same, and shall be barred from filing a claim or receiving damages; and this provision shall apply to all damages which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising, without his fault, from the acts of the corporation, or its agents; provided, that if subsequent to the filing of such claim, the owner sells the property, or any part thereof, the assignee shall have the same right to damages which the owner would have had without the transfer.

Effect of failure to do so.

Determination of council as to claims for damages.

Sec. 55. At the expiration of the time limited for filing claims for damages, as provided for in the last section, the council shall determine whether it will proceed with the proposed improvement or not, and whether the claims for damages filed as aforesaid shall be judicially inquired into, as hereinafter provided, before commencing, or after the completion of the proposed improvements; and if it decides to proceed therewith, an ordinance for the purpose shall be passed; said ordinance shall set forth specifically the lots and lands to be assessed for the improvement; shall contain a statement of the general nature of the improvement and the character of the materials which may be bid upon therefor; of the mode of payment therefor; a reference to the resolution theretofore passed for said improvement, giving

the date of its passage and a statement of the intention of council to proceed therewith in accordance with said resolution and in accordance with the plans, specifications, estimates and profiles provided for said improvement. In setting forth specifically the lots and lands abutting upon the improvement and to be assessed therefor, it shall be sufficient to describe them as all the lots and lands bounding and abutting upon said improvement between and including the termini of the improvement, and in describing those which do not so abut it shall be sufficient to describe the lots by their appropriate lot numbers, and the lands by metes and bounds; and this rule of description shall apply in all proceedings in which lots or lands are to be charged with a special assessment.

How lots and lands to be described.

Sec. 60. This act shall be subject to the provisions of section 211 of the act of which this is amendatory.

When certain special assessments shall be deemed valid and binding.

In any case in which special assessments have been, or may hereafter be made, upon property for the construction of any improvement, and several kinds of material have been named in the ordinance, or ordinances, providing for the same, and on which bids have been received for the construction of said improvements with any or all of said materials, said assessments shall be valid and binding assessments upon the property so assessed. In the case of construction of sewers hereafter, excepting main or district sewers, notice of the passage of the resolution therefor, as provided in section 84 of the act of which this is amendatory shall be made in the manner provided in section 52 of said act as amended herein.

Council to provide for construction and repair of sidewalks, curbing and gutters.

Sec. 70. The council of cities and villages may provide by ordinance for the construction and repair of all necessary sidewalks, curbing, or gutters, or parts thereof, within the limits of the corporation, and may require by imposition of suitable penalties or otherwise, the owners and occupants of abutting lots and lands to keep the sidewalks, curbing and gutters in repair, free from snow or any nuisance.

Sec. 71. When the council of cities or villages declares by resolution that certain specified sidewalks, curbing or gutters shall be constructed or repaired, the clerk of council shall cause a written notice of the passage of such resolution to be served upon the owner or agent of the owner of each parcel of land abutting on such sidewalk, who may be a resident of such city or village, in the manner provided by law for the service of summons in a civil action, and shall return a copy of such notice with the time and manner of service indorsed thereon, signed by the officer serving the same, to the department of public service in cities, and to council in villages which shall file and preserve the same; and for the purpose of such service, if the owner is not a resident of the city or village, any person charged with the collection of rents or the payment of taxes on such property or having general control thereof in any way, shall be regarded as the agent of the owner; and such return shall have the like force and effect as the sheriff's return on summons in a civil action.

Notice to owners of property to construct or repair sidewalks, curbing or gutters.

Return of copy of notice.

Service upon agent of owner.

Notice to non-residents and persons not found.

Sec. 72. If it appear in the return in any case of the notice provided for in the preceding section, that such owner is a nonresident of the county, or that neither any such owner, nor agent, nor their place of residence could be found, then a notice given by publication of a copy of the resolution in some newspaper of general circulation in the corporation, in the manner heretofore provided for the service by publication of resolutions for street improvements shall be deemed sufficient notice to such owner, but no publication of said resolution shall be necessary in the case of construction or repair of sidewalks, curbing and gutters where said notice is served upon the owner or agent as provided in section 71.

On failure of owner to construct or repair, same to be done at his expense.

Sec. 73. If such sidewalks, curbing or gutters are not constructed within fifteen days, or not repaired within five days from the service of the notice, or completion of the publication, the department of public service in cities, and council in villages, may do or have the same done at the expense of the owner, and all such expenses shall be assessed on all the property bounding or abutting thereon. Said assessments shall be collected in the same manner, with a penalty of five per centum and interest for failure to pay at the time fixed by the assessing ordinance, as in cases of improvement. No other or further proceedings for the construction or repair of sidewalks, curbing or gutters and levying assessments therefor shall be necessary by the department of public service, or council, than the proceedings required under this and the two preceding sections; and in any case in which special assessments have been made on property of all the cost of the construction or repair of sidewalks, curbing or gutters under this and said two preceding sections as they stood before this amendment, said assessment shall, within the limitation of benefits and the limits of thirty-three per cent. of the taxed value of the property, be valid assessments upon said property.

Notice to owners of abutting property to clean sidewalks, etc.

Sec. 74. When the council in villages or the board of public service in cities declares by resolution that a certain specified sidewalk or sidewalks, curbing or gutters shall be cleaned so as to be free from weeds, grass, dirt, snow or any other objectionable substance, it shall then be the duty of the clerk of the council in villages and of the board of public service in cities to cause notice of the passage of such resolution to be served upon the owners of each parcel of land abutting on such sidewalk ordered cleaned. Such notice shall be given in the same manner as is provided for service of notice to construct sidewalks. If said sidewalks, curbing or gutters are not cleaned within five days, except if the objectionable substance be snow, then within one day, after the service of the notice or completion of the publication, the department of public service in cities and the street commissioner in villages shall have the same done at the expense of the owner and report the cost thereof to him, and to council in villages, and to the board of public service in cities. The cost of such cleaning shall constitute a lien upon the

On failure of owners to clean such sidewalks, etc., same to be done at their expense.

property abutting on such sidewalks from the date the same is so reported, and shall be paid by the owner to the treasurer of the municipality. If the cost of said cleaning is not paid within ten days from the time the same has been so reported, the said clerk in villages and the department of public service in cities shall certify the same, together with a penalty of five per centum thereon to the county auditor, who shall place the same on the tax duplicate and collect such costs and penalties in the same manner as other taxes are collected.

Sec. 76. In all cases where it is deemed necessary by a municipal corporation to build or repair sidewalks, curbing or gutters along that portion of any street, alley or public highway which passes by or through any public wharves, market spaces, parks, cemeteries, public grounds or buildings, the proper proportion of the estimated expenses thereof shall be by the council of such corporation levied, certified and collected in the manner provided herein for the assessment of street improvements.

Construction and repair of sidewalks, etc., along property of the corporation.

SECTION 2. That said original sections 51, 52, 54, 55, 60, 70, 71, 72, 73, 74, and 76 of said act be and the same are hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 19, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
100G

[House Bill No. 356.]

AN ACT

To amend section 53 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, to provide for the valuation of lands for assessment purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 53 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22nd, 1902, be amended so as to read as follows:

Municipal corporations; assessments.

**Limitations
of
assessments.**

Sec. 53. In all cases of assessments, the council shall limit the same to the special benefits conferred upon the property assessed, and in no case shall there be levied upon any lot or parcel of land in the corporation any assessment or assessments for any or all purposes, within a period of five years, exceeding 33 1-3 per cent. of the actual value thereof after improvement is made; provided, that the assessments levied for the construction of main sewers shall not exceed the sum that would in the opinion of council be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any lots or lands be assessed that do not need local drainage or which are provided therewith. In all municipalities the corporation shall pay such part of the cost and expense of improvements for which special assessments are levied as council may deem just, which part shall not be less than one-fiftieth of all such cost and expenses; and in addition thereto, the corporation shall pay the cost of intersections; provided, that whenever special assessments have been levied and paid, for the improvement of any street or other public place the property so assessed shall not again be assessed for more than one-half the cost and expense of repaving or repairing such street or other public place unless the grade of the same is changed; provided, that any city or village is hereby authorized to issue and sell its bonds as other bonds are sold to pay the corporation's part of any improvement as aforesaid, and may levy taxes in addition to all other taxes authorized by law to pay such bonds and the interest thereon.

**Municipality
to pay portion
of cost of im-
provement.****As to inter-
sections.****Limitation as
to reassess-
ment.****Municipality
may issue
bonds to pay
share of cost.****Repeals.**

SECTION 2. That said original section 53 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22nd, 1902, is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 20, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,

Governor.

101G

AN ACT

To provide for county inspectors of apiaries and defining their duties, and providing for their compensation, for the purpose of curing and avoiding foul brood or other diseases among bees and their hives.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever a petition is presented to the board of county commissioners of any county in the state of Ohio, signed by three or more persons, all of whom are residents of said county, and possessors of an apiary or place where bees are kept, stating that certain apiaries within said county are infected with the disease known as foul brood, or any other disease which is injurious to bees or their larvæ, praying that an inspector be appointed by said board of county commissioners, said board of county commissioners may within five days after the presentation of said petition appoint a person as bee inspector who is resident of said county who shall be a skilled bee-keeper, having thorough knowledge of foul brood and other diseases injurious to bees and their larvæ and the treatment of same.

Upon petition county commissioners may appoint bee inspector.

SECTION 2. The person so appointed shall within five days after his appointment file with the said board his written acceptance of the office, or, in default thereof, or in case of vacancy, the board shall in the same manner make new appointments until the said office is filled. The inspector shall hold his office for two years and until his successor is appointed and qualified, except when upon petition of ten persons, (each of whom is a resident of said county and possessor of an apiary) to the board of county commissioners of said county, may remove said inspector for cause, after a hearing of petitioners.

Appointee shall file acceptance of office. Vacancies.

Term.

Removals.

SECTION 3. Any bee-keeper or other person who shall have cause to believe that an apiary in his county, is affected with foul brood or other disease, either in his own apiary or elsewhere, shall make affidavit stating that on information or belief, he believes that certain apiaries, describing the location, naming the owner or keeper, is affected with foul brood or other disease, and his ground for such belief. On receiving said affidavit, from any source of the existence in any apiary in his county, of the disease known as foul brood, or any other infectious or contagious disease of bees, the county inspector of bees shall forthwith inspect each colony of bees and all hives, implements and apparatus, honey and supplies on hand or used in connection with such apiary, and distinctly designate each colony or apiary which is infected, and notify the owner, or person in charge of said bees thereof, in writing, and the owners of said bees, or the persons in charge thereof to practically and in good faith apply, and thereafter fully and effectually carry out to and upon such diseased colonies, such treatment as may have been prescribed by the said inspector for such cases; also

When affidavit to be filed stating that certain apiaries are affected with disease.

Action of inspector thereafter.

thoroughly disinfect, to the satisfaction of the inspector all hives, bee-houses, combs, honey and apparatus that have been used in connection with any such diseased colonies; or, at his election, the said owner or person in charge of such bees may, within the same time utterly and completely destroy said bees, hives, houses, comb-houses, honey and apparatus by first killing the bees, (by the use of sulphur fumes when the bees are in the hives for the night), by fire or bury the same in the ground with a covering of not less than two feet of earth.

Inspector shall have right to enter premises of any bee-keeper for purpose of inspecting bees; penalty for refusing to allow entry.

SECTION 4. The inspector of bees, shall have the right to enter the premises of any bee-keeper, where the bees are kept, and inspect such bees, and any person resisting or refusing to allow said inspection by said bee-inspector, shall be guilty of a misdemeanor, and may be then and there arrested by said bee inspector or person deputized by him, and brought before a justice of the peace and upon conviction, shall be fined not less than ten dollars, nor more than twenty-five dollars.

After inspecting the inspector shall disinfect person and clothing.

SECTION 5. After inspecting, working with, or handling infected hives or fixtures, or handling diseased bees, the inspector or other person shall, before leaving the premises, or proceeding to any other apiary, thoroughly disinfect his own person and clothing, and shall see that any assistant or assistants with him have also thoroughly disinfected their clothing and person.

Inspector may order owner of bees dwelling in box-hives to remove same to movable frame hives; penalty for failure so to do.

SECTION 6. The inspector shall have full power in his discretion to order any owner or possessor of bees dwelling in box-hives, in apiaries where the disease exists (being mere boxes without frames) to transfer such bees to movable frame hives within a specified time, and in default of such transfer, the same shall become unlawful and the inspector may destroy, or order for destruction of such box hives and the bees dwelling therein, as a public nuisance.

Penalty for disposal of diseased bees or infected combs, appliances, etc.

SECTION 7. Should any owner of, or keeper of, or other person having diseased bees or their larvæ, or of any affected hives of combs, appliances or utensils for bee keeping, sell or barter, or give away the same, or allow the same or any part thereof to be moved, such person shall be guilty of a misdemeanor, and upon conviction such person shall be fined not less than ten dollars, nor more than twenty-five dollars.

Penalty for unauthorized disposal of bees, hives or appurtenances.

SECTION 8. Should any person, whose bees have been destroyed or treated for foul brood, sell, or offer for sale, any bees, hives or appurtenances of any kind after such destruction or treatment, and before being authorized by the inspector to do so, or should he expose, in his bee yard or elsewhere, any infected comb honey, or other infected thing, or conceal the fact that such disease exists among his bees, such person shall be guilty of a misdemeanor and upon conviction, such person shall be fined not less than ten dollars, nor more than twenty-five dollars.

Penalty for unlawful exposure of same or concealing fact that disease exists.

Penalty for failure to comply with instructions of inspector.

SECTION 9. If any owner or keeper of bees, knows of, or after being notified by the bee inspector, that foul brood

or other infections or contagious disease exists in any of the hives in the apiaries owned or in charge of said persons and shall fail to comply within ten days from receiving said knowledge and the date of receiving instructions from the county inspector to cure or destroy the bees or hives, or their appliances, such person shall be guilty of a misdemeanor and upon conviction thereof such person shall be fined not less than ten dollars nor more than twenty-five dollars.

SECTION 10. When the owner or possessor of bees shall disobey the directions of said bee inspector in curing or destroying any diseased bees, honey, hives or appliances shall become unlawful and a public nuisance, and the said bee inspector shall at once destroy said bees, honey, hives or appliances, and may deputize such additional persons as he may find necessary to effect said destruction.

Penalty for disobeying orders of inspector.

SECTION 11. The inspector shall make a monthly report in writing, under oath, to the board of county commissioners, in which report he shall state the days and number of hours in the preceding month spent by him in the actual discharge of his duties, and shall in said report state the name of the owner or keeper, and the location of the apiary upon which such time was spent in curing or destroying said bees, together with an itemized account, showing the dates and amounts for what incurred, money spent for any discharge of his duties, and to whom the same was paid, and for what services and considerations such indebtedness was incurred, and accompany said report with the affidavits given him under and in pursuance of section 3 of this act, and make full and complete report of all he did and results of his treatment of any apiary.

Inspector's monthly report.

SECTION 12. After the inspector of bees in any county shall make report, as provided in the preceding section, said county commissioner shall allow to said inspector of bees two dollars for a full day, and one dollar for each half day, necessarily and actually employed in the discharge of his duties under this act, together with his necessary and actual expenses while so employed, to be audited, allowed and paid by the county treasurer upon the warrant of the county auditor.

Compensation of Inspector.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 15, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,

Governor.

102G

AN ACT

To amend section 553 of the [Revised] Statutes of Ohio, and to provide for the appointment of court constables.

Be it enacted by the General Assembly of the State of Ohio:

Provisions for
courts of
record:

SECTION 1. That section 553 of the Revised Statutes of Ohio be amended so as to read as follows:

Court constables; appointment, duties and compensation.

Sec. 553. In every county in the state the court of common pleas, the circuit court, the superior court of the county or city, the insolvency court, and in every county of the state having at the last or any future federal census, upwards of 70,000 inhabitants, the probate court may, when in the opinion of the court [the] of business thereof requires it, each appoint one or more constables to observe order, to attend to the assignment of cases in counties where more than two common pleas judges regularly hold court at the same time, and discharge other duties as the court requires. Each constable, when so directed by the court, shall have the same power to call and impanel jurors, which by law the sheriff of the county has, except in capital cases. Each constable shall receive such compensation as shall be fixed by the judge or judges of the court making the appointment, which compensation in counties where four or more than four judges regularly hold court shall not exceed twelve hundred and fifty (\$1,250) dollars per annum, and in counties where more than one judge and not more than three judges hold court at the same time, not to exceed one thousand dollars per annum, and in counties where only one judge holds court two and one-half dollars per day which shall be paid monthly out of the county treasury on the order of the court. If a court constable is placed by the court in charge of the business of assignment of cases, he may be allowed such further compensation not to exceed one thousand dollars, as may be fixed by the court, by its order entered on the journal.

Repeals.

SECTION 2. That said original section 553 is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 19, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
103G

AN ACT

To authorize the commissioners of any county, in which toll roads now exist, to purchase the same and to maintain them as free turnpikes, and to repeal an act entitled, "An act to authorize the commissioners of Hamilton county to purchase all existing toll roads within said county, and to maintain the same as free turnpikes," Vol. 95, page 730, session laws.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of any county be and they hereby are authorized and empowered to purchase of the owners thereof, and to acquire the title to, toll roads, already in existence, [in] any county, and thereafter to maintain the same as free turnpikes, in the manner provided by law for the maintenance of such turnpikes.

County commissioners authorized to purchase and maintain as free turnpikes toll roads in existence in county.

SECTION 2. The price to be paid for such turnpikes shall, in no case, in any county, exceed the sum of three thousand dollars per mile.

Price which may be paid.

SECTION 3. The county commissioners of any of the counties in this state, where toll roads now exist, are hereby instructed to act, under the provisions of this law, whenever there shall have been presented to them a petition, praying that such commissioners shall proceed to purchase all toll roads in any such county and to maintain the same thereafter as free turnpikes, which petition shall be signed by not less than one hundred and fifty of the electors of such county.

Commissioners shall make such purchase when petitioned.

SECTION 4. For the purpose of providing funds for the purchase of such turnpikes, the county commissioners of any such county are authorized and empowered to issue, from time to time, as may be required, and to sell the bonds of such county, not exceeding in the aggregate the total amount of \$225,000, to be known as "toll pike purchase bonds of _____ county," which bonds shall be in denominations of five hundred, or a multiple of five hundred dollars, not exceeding ten thousand dollars, and shall bear interest at a rate of not exceeding four per cent. per annum, payable semiannually; the principal of said bonds to be payable in not to exceed twenty-five years from the date of issue, both principal and interest to be payable at the office of the county treasurer; said bonds to be sold at not less than their par value and accrued interest, after advertisement of such sale, by such commissioners, in two newspapers published in such county, at least once a week for four successive weeks; and for the purpose of paying the interest on such bonds and creating a sinking fund for the redemption of the same, the said commissioners are hereby authorized and directed to levy upon all the taxable property of the county, in addition to other authorized taxes, not to exceed one-tenth mill, on the dollar valuation, each and every year until said bonds are fully paid.

Commissioners may issue bonds to provide funds for such purchase.

Tax levy.

Submission of
question of
bond issue to
vote.

SECTION 5. In no case shall such bonds be issued until their issue shall be authorized by a vote of the qualified electors of such county; and the commissioners of such county are hereby authorized and required, at the next general election of county officers, succeeding the filing of said petition mentioned hereinbefore if sufficient time remains; or if not, then on the succeeding general election of county officers, to cause proper notice to be given, and to take the necessary steps to submit the question of the issue of said bonds to the qualified electors of said county. Such election shall be conducted under the election laws of the state, so far as the same are applicable; the judges of election shall keep a separate poll-book of such election, and shall make return thereof, duly certified as in other cases, to the county auditor, who, with the probate judge and the clerk of court of common pleas of the county, shall open the same and declare the result; and a statement thereof, duly certified by said officers, shall be entered on the commissioners' journal, or minute book. In any election, held under this act, ballots, having written or printed on their face "For toll pike purchase bonds of _____ county—yes;" "For toll pike purchase bonds of _____ county—no," shall be prepared under the direction of the county or state officers, who are required to furnish the general ballots, and shall be by them supplied to all proper officials of election at each and every precinct in said county. If a majority of the electors voting on said question at said election vote in favor of the issue of such bonds, the commissioners of such county shall forthwith proceed to issue and dispose of the same as herein provided. And if such proposition fail of adoption at such election, the said commissioners may, at any time after six months and not exceeding five years from the date of said election, again submit such question, in the manner herein provided to the qualified voters of such county; and if a majority of the electors voting at any such election, shall vote in favor of the issue of such bonds, then it shall be lawful and the commissioners of such county are authorized to issue and sell such bonds as herein provided.

Repeals.

SECTION 6. That an act entitled "An act to authorize the commissioners of Hamilton county to purchase all existing toll roads within said county, and to maintain the same as free turnpikes," in volume 95 of the session laws of this state on page 730 thereof, be and the same is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
104G

[House Bill No. 440.]

AN ACT

To authorize the transfer of property by municipal corporations to trustees of libraries of school districts, and the acceptance of the same, and other property, for library purposes by said trustees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That it shall be lawful for any municipal corporation in this state to transfer by ordinance duly passed, any property, real or personal, acquired or suitable for library purposes, to the trustees of any public library for the school district within which such municipal corporation is situate, upon such lawful terms and conditions as may be agreed to between said municipal corporation and said trustees.

Municipal corporation may transfer suitable property to library trustees of school district in which municipality is situated.

SECTION 2. The trustees of any public library in any such school district are hereby authorized and empowered to receive and accept any such transfer, and to receive and accept from any other source or acquire in any other manner, any property, real or personal, for library purposes, and use and apply the same for such purposes, and to enter into any contract relating thereto.

Trustees empowered to accept same or any other suitable property.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 20, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
105G

[House Bill No. 146.]

AN ACT

To supplement section 1162 of the Revised Statutes of Ohio, relating to fees received by county recorders.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1162 of the Revised Statutes of Ohio be supplemented by the addition thereto of section 1162a, as follows:

County recorder:

Sec. 1162a. Upon the presentation of any instrument of writing for filing or record the recorder shall indorse thereon the fee charged by him for filing or recording such instrument and also enter such fee upon the margin of the folio upon which the filing or recording of such instrument is entered.

Shall indorse fee on instrument and record same.

SECTION 2. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 20, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
 106G

[House Bill No. 364.]

AN ACT

To provide for the organization of chattel loan companies and to repeal an act entitled "An act for the incorporation of collateral loan companies," passed April 16, 1885, and to repeal an act entitled "An act to amend sections 2, 4 and 5 of an act entitled 'An act for the incorporation of collateral loan companies,' passed May the 12, 1886.

Be it enacted by the General Assembly of the State of Ohio:

Incorporation
of chattel
loan com-
panies.

SECTION 1. Corporations may be organized for the purpose of making loans upon pledges of goods and chattels and upon mortgage on goods and chattels. Such corporations shall not receive money on deposit nor engage in banking, nor make loans upon any security other than herein provided. The names of corporations organized under the provisions of this act shall begin with the word "The" and end with the words "Collateral Loan Company."

Capital stock
and organi-
zation.

SECTION 2. The capital stock of such company shall not exceed five hundred thousand dollars in shares of fifty dollars each. When twenty thousand dollars have been duly subscribed and one-fourth of said subscribed capital has been actually paid in, the subscribers to the capital stock may organize and proceed to transact business.

How loans
shall be
made.

SECTION 3. When the company has disposable funds, it shall loan on all goods and chattels offered, embraced within its rules and regulations, in the order in which they are offered; with the exception that the company shall always discriminate in favor of small loans to the indigent. It may loan to four-fifths of the appraised value of gold and silver plate and ware, and to two-thirds of such value on all other goods and chattels. In no case shall the rate of interest charged exceed eight per cent. per annum, and any other charges, including insurance, investigation of titles, and the expense of the custody and care of all property offered as security shall not exceed ten per cent. of the amount loaned. It shall insure all pledged property in its possession against loss or damage by fire, in an amount equal to the appraised value thereof, to be ascertained at the time of making the loan; and in case of loss or damage by fire

Insurance.

it shall be liable to the pledgers of such property for the amount of such loss or damage after paying the principal, interest, loan charges and expenses.

SECTION 4. Any person who has deposited property with such company as a pledge to secure a loan, may at any time before the maturity of such loan redeem the property so pledged upon payment of the principal sum borrowed with interest and other charges which shall have accrued at the date of such payment. Redemption of
pledges.

SECTION 5. If the property pledged is not redeemed upon the maturity of the loan, the same shall be sold at public auction, provided that notice specifying the time and place of such sale shall be mailed to the last known address of the pledger at least one week previous to the time of such sale; and the net surplus of such sale, after paying loan charges and expenses, shall be held three years for the owner; when if not demanded within said year, it shall be forfeited to the company. The company shall give to each pledger a card inscribed with the name of the company, the article or articles pledged, name of the pledger, the amount loaned, the rate of interest, amount of loan charges and expenses, the date when made and date when payable. Sale of
pledges.

SECTION 6. That the act entitled "An act for the incorporation of collateral loan companies," passed April 16, 1885, and the act entitled "An act to amend sections 2, 4 and 5 of an act entitled 'An act for the incorporation of collateral loan companies,'" passed May 12, 1886, be and the same are hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
107G

[House Bill No. 277.]

AN ACT

To amend section 2433, Revised Statutes of Ohio, for the purpose of preventing the pollution of water and providing penalty therefor.

Be it enacted by the General Assembly of the State of Ohio

SECTION 1. That section 2433, Revised Statutes of Ohio, be and the same is hereby amended to read as follows:

Sec. 2433. The jurisdiction of any municipal corporation to prevent the pollution of its water supply and to provide penalty therefor; shall extend twenty miles beyond the corporation limits. Whoever pollutes any running stream, the water of which is used for domestic purposes by any

Waterworks:

Criminal jurisdiction of municipality to prevent water pollution.

municipality by putting therein any putrid or offensive substance, (other than fresh or salt water), injurious to health shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than five or more than five hundred dollars. It shall be the duty of the board of public service or board of trustees of public affairs of any municipal corporation to enforce the provisions of this section.

Repeals.

SECTION 2. Original section 2433 is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 20, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,

Governor.

108G

[House Bill No. 109.]

AN ACT

To supplement section 119 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, to provide for calling special meetings of councils.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations.

SECTION 1. That section 119 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be amended so as to read as follows:

Council shall be judge of election and qualification of members; quorum and special meetings.

Sec. 119. Council shall be the judge of the election and qualification of its members; a majority of all the members elected shall be a quorum to do business, but a less number may adjourn from day to day and compel attendance of absent members in such manner and under such penalties as shall be prescribed by ordinance, and council shall provide rules for the manner of calling special meetings.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 19, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,

Governor.

109G

[House Bill No. 272.]

AN ACT

To amend section 2 of an act entitled "An act to authorize trustees to cause to be opened, enlarged, widened, altered or deepened, and walled up and protected, any sink hole or fissure, break or opening in the earth or rock thereof, situate in their respective townships," passed April 19, 1883, relating to application for improvement of sink holes or fissures.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2 of an act entitled "An act to authorize trustees to cause to be opened, enlarged, widened, altered or deepened, and walled up and protected, any sink hole or fissure, break or opening in the earth or rock thereof, situate in their respective townships," passed April 19, 1883, be amended to read as follows:

County
ditches:

Sec. 2. Application for any such improvement shall be made to the commissioners of the county or to the trustees of the township, in writing, signed by one or more owners of lots or lands drained by such ditch, drain or watercourse, into such sink hole, fissure, break or opening in the earth or rock thereof, or by one or more owners of lands or lots inundated by overflow from such sink hole, fissure, break or opening in the earth or rock thereof, and shall be filed with the auditor of the county if to the commissioners, and with the township clerk if to the trustees, and shall set forth the necessity of the improvement and describe the location of the sink hole, fissure, break or opening in the earth or rock thereof, sought to be improved, and the route of the ditch, drain or watercourse there terminating and emptying therein; and there shall be filed therewith a bond payable to the state, with at least two sufficient sureties, in not less than one hundred dollars, conditioned for the payment of all costs, if the prayer of the petition be not granted, or be dismissed for cause.

Sink holes
and fissures,
etc., may be
opened, en-
larged, etc.;
application for,
how made.

SECTION 2. That said original section 2 be and the same is hereby repealed. **Repeals.**

• GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
110G

[House Bill No. 359.]

AN ACT

To amend section 3630f of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

Life insurance companies:

SECTION 1. That section 3630f of the Revised Statutes of Ohio be amended so as to read as follows:

Where action against may be brought.

Sec. 3630f. An action may be brought against any such corporation, company or association, organized under the laws of Ohio, or against any such foreign corporation, company or association doing business in Ohio, in any county of this state where such cause of action arises, and summons may be issued and service had as provided in chapters four and five, division two, title one, part third and chapter I, title III, part third of the Revised Statutes of Ohio, the provisions of which chapters are hereby made applicable in such cases.

Repeals.

SECTION 2. That said original section 3630f be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 18, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,

Governor.

III G

[House Bill No. 165.]

AN ACT

To provide for the repair and building of line fences and for the repeal of sections Nos. 4239, 4239a, 4240, 4241, 4242, 4242a, 4243 and 4244 of the Revised Statutes of Ohio, and sections 1, 2, 3, 4, and 5 of an act entitled "An act to compel owners of land to keep brush, briars, thistles and other noxious weeds cut on their respective sides of line or partition fence," passed April 29, 1885.

Be it enacted by the General Assembly of the State of Ohio:

Fences:

SECTION 1. That sections 4239, 4239a, 4240, 4241, 4242, 4242a, 4243 and 4244 of the Revised Statutes of Ohio, and sections 1, 2, 3, 4, and 5 of an act entitled "An act to compel owners of land to keep brush, briars, thistles and other noxious weeds, cut on their respective sides of line or partition fences," passed April 29, 1885, be amended so as to read as follows:

How expenses of making partition fences adjusted.

Sec. 4239. That the owners of adjoining lands shall build, keep up and maintain in good repair all partition fences between them in equal shares, unless otherwise agreed

upon between them, which agreement must be in writing and witnessed by two persons; but nothing in this chapter contained shall apply to the enclosure of lots in municipal corporations, or to the enclosure of lands laid out into lots outside of municipal corporations; but nothing contained in this act shall be construed to affect sections 3324, 3325 and 3326 of the Revised Statutes of Ohio.

Sec. 4239a. No person or corporation shall be permitted to have any willow fence or any other live fence, except that known as the osage or blackthorn hedge, or construct or cause to be constructed a partition fence from barbed wire unless written consent of the adjoining owner be first obtained.

Hedge or
barbed wire
partition
fence forbid-
den.

Provided that consent shall not be necessary to the use of not more than two barbed wires, if the lower one of said barbed wires be not less than forty-eight inches from the ground, and be placed on the top of a fence of other material than barbed wire.

Whoever constructs or causes to be constructed a barbed wire fence without the consent of the adjoining owner, other than as above provided, shall be fined not more than fifty dollars nor less than five dollars, and the continued violation of this offense for every thirty days shall constitute a separate offense.

Penalty.

Sec. 4242. If any party neglects to build, or repair a partition fence, or the portion thereof which he ought to build, or maintain, the aggrieved party may complain to the trustees of the township in which said land or fence is located, and the trustees shall, after not less than ten days, written notice to all adjoining land owners, of the time and place of meeting, proceed to view the fence, or premises where the fence is to be built, and assign in writing, to each party his equal share thereof, to be by him built, constructed or kept in repair so as to be in all respects a good and substantial fence. The cost due the clerk and trustees of the proceedings of making such assignment, shall be taxed equally against each land owner, and if not paid to the township clerk within thirty days from the date of its assignment, shall be certified by the township clerk to the county auditor, with a correct description of all lands, and the amount charged against each portion thereof, and the auditor shall place the same upon the duplicate to be collected as other taxes are collected, and the county treasurer shall pay the amount when collected, to the township treasurer as other funds, specifying same.

Duty and
power of
township trustees in con-
troversies over
partition
fences.

Sec. 4243. If either party fail to build the portion of fence assigned to him, the trustees shall, upon the application of the aggrieved party, sell the contract to the lowest responsible bidder, to furnish the labor and material and build such fence according to the specifications to be proposed by the trustees, after advertising the same for a period of ten days by setting up posters in three public places in the township. As soon as the work shall be completed in conformity with the sale, and to the satisfaction of the

Building of
partition
fence and col-
lection and
payment of
cost when
either party
fails to com-
ply with
assignment.

trustees, they shall immediately certify the costs to the township clerk and if not paid within thirty days, the township clerk shall certify the same to the auditor of the county, the amount such fence sold for, adding the proportionate amount of cost and expense of such sale, together with a correct description of each piece of land upon which same is assessed, and the auditor shall place the same upon the tax duplicate to be collected as other taxes are collected, and the trustees shall at the same time certify the amount due each person for building such fence and also the amount due each trustee and clerk for their services rendered in such proceedings, and the auditor may anticipate the collections of same and draw orders for the payment of such amount out of the county treasury.

County recorder shall keep a "Partition Fence Record."

Sec. 4243a. The county recorder shall keep a book known as "Partition Fence Record" and all divisions of partition fences made under this act shall be recorded in said book, and shall be final between the parties thereto and all successive owners thereafter. Until said divisions become unequal by reason of a sale or division of said land or a portion thereof and in such case a new division may be had and in all cases if one adjoining land owner own all the line fence, the trustee may adjudge the value of the portion to be assigned the other owner, which amount may be recovered by the owner of said fence with cost of suit. The report of the assignment of partition fences, under this act, shall be made and certified to the county recorder by the township clerk and the cost of the record thereof, shall be taxed against the parties with the other cost.

Meaning of term "owner."

Sec. 4243b. In the provision of this chapter the terms "owner" shall apply to the owner of said land in fee simple, but these proceedings shall not bind the owner unless notified as provided in section 4243c hereof.

Notice; how served.

Sec. 4243c. If the owner is a resident of the township, notice must be made in writing and by personal service or leaving a copy at the last known place of residence. If a nonresident of a township, notice may be made by mailing a notice by registered letter to the owner or authorized agent thereof, at his last known post office address and the registered receipt shall be sufficient proof of the mailing and receipt of said notice.

When division line is in a stream of water.

Sec. 4243d. When the division line of adjacent land owners is in a stream of water, along which division line it is impractical to construct and maintain a partition fence, the trustees shall assign to each land owner his portion of said fence upon his own land and the parts so assigned each land owner, shall be built and maintained upon his own premises along the bank of said stream, and the parts of the fence so assigned shall be joined together by each land owner constructing a fence or water gate from the end of said fence so assigned to him nearest to the end so assigned to the other land owner to the division line in said stream of water; and for the purpose of determining the liability of one of said land owners by reason of the trespass of do-

mestic animals upon the lands of the other, such fence shall be considered and held to be a partition fence.

Sec. (4240-1). Sec. 1. It shall be the duty of all owners of land, adjacent to any line or partition fence, to keep all brush, briars, thistles or other noxious weeds, cut in the fence corners and on his side a strip four feet wide along the line of said partition fence, provided that nothing in this section shall be considered to affect the planting of vines or trees for use.

Requiring the cutting of briars, thistles, etc., along partition fences.

Sec. (4240-2). Sec. 2. If the owner or tenant occupying said land, neglects or refuse to cut, or have cut, said brush, briars, thistles or other noxious weeds, as provided in the foregoing sections, then any owner or occupant of land abutting on such line, or partition fence, who may feel aggrieved thereby, may, after having given the owner or tenant occupying such land, notice of not less than ten days to cut or remove such brush, briars, thistles or other noxious weeds, (and if such brush, briars, thistles or other noxious weeds, are not cut or removed at the expiration of said ten days) notify the trustees of the township in which such land is situated, whose duty it shall be at once to view said premises and if they are satisfied that there is just cause of complaint, they shall proceed to cause such brush, briars, thistles or other noxious weeds to be cut, in such manner as they may consider best, either by letting the work to the lowest bidder, or by entering into a private contract, to have same performed.

Notice to land owner failing to cut noxious weeds, and duties of township trustees in the premises.

Sec. (4240-3). Sec. 3. As soon as the work shall be completed to the satisfaction of the trustees, they shall certify to the auditor of the county, the amount of the cost of such labor, together with the expense thereto attached, with a correct description of the land upon which labor has been performed, and the auditor shall place the same upon the tax duplicate to be collected the same as other taxes are collected, and the county treasurer shall pay the amount, when collected, to the township treasurer as other funds, specifying same.

Cost of work; how collected and paid.

Sec. (4240-4). Sec. 4. The township trustees may anticipate the collection and refunding the cost of said labor to the township treasurer for that amount, payable out of any township funds that may be in his hands.

Anticipating such cost.

Sec. (4240-5). Sec. 5. The township trustees shall be entitled to one dollar and fifty cents (\$1.50) per day for their services under this act, and the township clerk shall be allowed the same fees for making out, filing and recording papers, as are allowed by law for similar services.

Trustees' fees.

SECTION 2. That sections 4239, 4239a, 4240, 4241, 4242, 4242a, 4243 and 4244 of the Revised Statutes of Ohio, and sections 1, 2, 3, 4, and 5 of an act entitled "An act to compel owners of land to keep brush, briars, thistles and other noxious weeds cut on their respective sides of line or

Repeals.

partition fences," passed April 29, 1885 be and the same are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
112 G

[House Bill No. 395.]

AN ACT

To supplement section 3096 of the Revised Statutes of Ohio, by adding thereto section 3096a, giving mayors of municipal corporations authority to close saloons during riots.

Be it enacted by the General Assembly of the State of Ohio:

Riots:

SECTION 1. That section 3096 be supplemented by adding thereto section 3096a, as follows:

In case of riot, mayor of municipal corporation may cause saloons to be kept closed.

Sec. 3096a. Whenever in any municipal corporation there is, in the opinion of the mayor of said municipal corporation, a tumult, riot, mob or any body of men acting together with intent to commit a felony or to do or offer to do violence to person or property, or by force and violence to wreck property and resist the laws of this state, or there is reasonable apprehension thereof, the mayor of said municipal corporation shall issue his proclamation requiring the keepers of all saloons, or places where intoxicating liquors are sold at retail as a beverage; to close such places of business and to keep said places of business closed during the continuance of such above described disturbance, when the mayor shall withdraw his proclamation. Whoever keeps open such place, or fails to comply with such proclamation of said mayor; shall be fined not less than one hundred dollars, nor more than five hundred dollars, or imprisoned not less than ten days, nor more than thirty days, or both.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904:

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
113G

[House Bill No. 271.]

AN ACT

To amend section 1616 of the Revised Statutes of Ohio, relating to the detachment of territory from municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1616 of the Revised Statutes of Ohio, as amended April 10, 1902, be amended to read as follows:

Sec. 1616. Upon petition of a majority of the freehold electors owning lands in any portion of the territory of a city, village or hamlet accurately described in such petition, with an accurate map or plat thereof, praying to have the said portion of territory detached from said city, village or hamlet, the commissioners of the county in which such portion of territory is situated, shall, with the assent of the council of the city or village or trustees of the hamlet, given in an ordinance passed for that purpose, and not otherwise, detach such portion of the territory from such city, village or hamlet and attach the same to any township contiguous thereto, or, if the petition so request, shall erect the same into a new township, the boundaries of which need not include twenty-two square miles of territory; and the petition, map, ordinance, and the order of the commissioners, certified by the county auditor, shall be recorded in the platbook in the office of the county recorder, and as soon as the record is made, the proceeding shall be deemed complete, both as to the detaching of such territory from the municipal corporation and the annexation thereof to the township, or the erection of such territory into the new township.

How territory detached from municipal corporation and attached to township.

SECTION 2. Said section 1616 of the Revised Statutes of Ohio, as amended April 10, 1902, is hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,
Governor.
114G

[House Bill No. 282.]

AN ACT

To repeal section 3 of an act entitled "An act to authorize and direct the warden and directors of the Ohio penitentiary to construct gas works for the state buildings within the city of Columbus, and to purchase and lay the necessary pipes," passed February 24, 1873.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled "An act to authorize and direct the warden and directors of the

Gas to be manufactured and supplied to public buildings; act repealed.

Ohio penitentiary to construct gas works for the state buildings within the city of Columbus, and to purchase and lay the necessary pipes," passed February 24, 1873, be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 21, 1904.

MYRON T. HERRICK,

Governor.
 115G

[House Bill No. 380.]

AN ACT

To amend section 3630e of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3630e of the Revised Statutes of Ohio be amended so as to read as follows:

Life insurance companies:

Rules under which foreign corporations or associations may do business in this state.

Sec. 3630e. Any corporation, company, or association organized under the laws of any other state of the United States to transact the business of life or accident or life and accident insurance on the assessment plan, shall, as a condition precedent to transacting business in this state, comply with the following conditions, to-wit: Deposit with the superintendent of insurance (1) a certified copy of its charter or articles of incorporation; (2) a certificate from the insurance commissioner, or superintendent of its own state, showing its authority to do such business; (3) a certificate from said commissioner or superintendent or other like authority of its own state, that corporations, companies or associations of this state engaged in life or accident insurance on the assessment plan as the case may be, are, upon complying with the laws of said state, legally entitled to do business in such state; (4) a statement under the oath of its president and secretary or like officers, in the form by the superintendent of insurance required, of its business for the preceding year; (5) a certificate under the oath of its president and secretary, or like officers, that such corporation, company or association is paying, and for the twelve months next preceding has paid the maximum amount named in its policies or certificates; (6) a copy of its policy or certificate, application and by-laws, which must show that the liabilities of the assured or members are not limited to fixed or artificial premiums; (7) evidence satisfactory to said superintendent that such corporation, company or association has accumulated and maintained a fund securely invested in securities permitted by the law of its incorporation, not less in amount than the proceeds of one

periodical payment by, or an assessment on all certificates or policy holders thereof, and that such fund is held solely for the benefit of certificate or policy holders and can only be used for the purposes provided in the laws of the state where incorporated; provided, that said fund in the case of accident companies or accident associations shall not be less than five thousand dollars, and need not be more than ten thousand dollars; (8) that such corporation, company or association, except it be an accident insurance corporation, company or association, does not issue certificates or policies upon the life of any person more than sixty-five years of age, or upon any life in which the beneficiary named has not a legal insurable interest; provided, license to do business in this state shall not be delivered to any such corporation, company or association until it shall have filed with the superintendent of insurance an appointment of an attorney within this state upon whom services of process may be had. The superintendent of insurance shall thereupon issue to such corporation, company or association a certificate of authority to transact its business in the state of Ohio, which said certificate of authority must be renewed annually, and it shall be the duty of the superintendent of insurance to refuse such certificate to any such corporation, company or association, when in his judgment such refusal will best promote the public interest; provided, that all decisions by him made shall be subject to review by courts of competent jurisdiction. And said authority shall be revoked whenever the superintendent of insurance on investigation or examination finds that such corporation, company or association is not paying the maximum amount named in its policies or certificates in full; that said corporation, company or association is transacting business fraudulently or illegally, or that the statement of its condition and affairs required under the provisions of this section are false and fraudulent, or for failure to file the annual statement, or when, upon investigation it appears that the expense of management of such company or association, for the year preceding the year in which such investigation is made, was more than thirty per cent. of its income from premiums, assessments and membership fees; and upon such revocation, the superintendent shall cause notice thereof to be published for four weeks in some newspaper published in the county of Franklin, and no new insurance shall thereafter be written by such corporation, company or association or any of its agents in this state; provided, that it shall be unlawful for any agent of such corporation, company or association to transact business in this state without being first regularly appointed thereby and being licensed by a certificate of authority issued by the superintendent of insurance. Each such corporation, company or association shall, annually thereafter, and on or before the first day of March, make and file in the office of the superintendent of insurance a statement in the form by said superintendent required of its business for the twelve months next preceded-

Certificate of
authority to
transact
business.

Revocation of
certificate.

Annual
statement.

Fees to be paid to superintendent of insurance.

Obligations to be equal to those imposed by other states or countries.

Companies and associations may do life and accident business on assessment plan.

Penalties.

Repeals.

When in effect.

ing the thirty-first day of December. The fees to be paid by each such corporation, company or association to the superintendent for the authority to such corporation, company or association and its agents under the license granted by him to each corporation, company or association, to transact business in the state of Ohio, shall be as follows: for filing copy of charter or articles of incorporation, twenty-five dollars; for filing each annual statement, twenty dollars; for issuing certificate of authority or license to company or association, one dollar; for issuing license to each agent, one dollar; for affixing seal and certifying any paper, one dollar. Provided, that any company or association may pay to the superintendent the sum of twenty-five dollars for licenses to its agents for the year, and by so doing shall be entitled without further charge to licenses for as many agents as it may choose to appoint; provided, also, that when any other state or country shall impose any obligations in excess of those imposed by this act upon any such corporation of this state, a like obligation shall be imposed on similar corporations, and their agents, of such state or country doing business in this state; and provided, also, that such corporation, company or association is transacting business in this state shall be subject only to section 3630 of the Revised Statutes and the sections supplementary thereto; and provided further, that such corporation, company or association shall be authorized to transact in this state the business of life or accident or life and accident insurance on the assessment plan, for the purpose of mutual protection and relief of its members, and for the payment of stipulated sums of money to the families, heirs, executors, administrators or assigns of the deceased members of such corporation, company or association as the members may direct, notwithstanding such corporation, company or association may have been organized on the assessment plan and authorized by the laws governing it to issue policies insuring lives on the plan of assessment upon surviving members without limitation. Whenever any officer or agent of any such corporation, company or association shall fail or neglect to comply with or violate any of the provisions of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in a county jail for not more than thirty days, or both, at the discretion of the court.

SECTION 2. That said original section 3630e be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force on and after April 1, 1905.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

Passed April 15, 1904. *President of the Senate.*

Approved April 22, 1904.

MYRON T. HERRICK,

Governor.

[House Bill No. 378.]

AN ACT

To amend section 3630j of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3630j of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3630j. Companies and associations organized under the laws of the United States and of other states, territories and nations, and doing the business of insuring against accidental personal injury and loss of life, sustained while traveling by railroad, steamboat or other mode of conveyance, and making all and every insurance connected with accidental loss of life and personal injury, sustained by accident of every description whatever, and against expenses and loss of time occasioned by injury or sickness, and on such terms and conditions and for such periods of time, and confined to such countries and localities, and to such persons as from time to time may be provided in the by-laws of the company; and when payment and the expenses of such corporations, companies or associations, are met by fixed annual payments, payable quarterly or otherwise, or by assessments on the members, payable as may be provided in the by-laws, or as provided in section 3630j of the Revised Statutes of Ohio, shall be admitted to do and transact such business in the state of Ohio, but shall, as a condition precedent to transacting business in this state comply with the following conditions, to-wit: Deposit with the superintendent of insurance (1) a certified copy of its charter or articles of incorporation; (2) a certificate from the insurance commissioner or superintendent of its own state, showing its authority to do such business; (3) a certificate from said commissioner or superintendent or other like authority of its own state that corporations, companies or associations of this state engaged in the same of similar business, or engaged in the business of paying benefits in the case of sickness and disability to be derived from assessments collected from the members, are, upon complying with the laws of said state, legally entitled to do business in such state; (4) a statement under the oath of its president and secretary or like officers, in the form by the superintendent of insurance required of its business for the preceding year; (5) a certificate under the oath of its president and secretary or like officers, that such corporation, company or association is paying and for the twelve months next preceding has paid the maximum amount named in its policies or certificates; (6) a copy of its policy or certificate, application and by-laws, which must show that the liabilities of the assured or members are not limited to fixed or artificial premiums; (7) evidence satisfactory to said superintendent that such corporation, company or association has accumu-

Life insurance companies:

Foreign companies insuring against accidental injury or death, etc; on what terms may be admitted to do business in this state.

lated and maintained a fund, securely invested in securities permitted by the laws of its incorporation, not less in amount than the proceeds of one periodical payment by, or an assessment on all certificate or policy holders thereof, and that such fund is held solely for the benefit of certificate or policy holders and can only be used for the purposes provided in the laws of the state where incorporated; provided, that said fund shall not be less than five thousand dollars and need not be more than ten thousand dollars; provided, the license to do business in this state shall not be delivered to any such corporation, company or association until it shall have filed with the superintendent of insurance an appointment of attorney in this state upon whom service of process may be had. The superintendent of insurance shall thereupon issue to such corporation, company or association a certificate of authority to transact its business in the state of Ohio, which said certificate of authority must be renewed annually, and it shall be the duty of the superintendent of insurance to refuse or revoke such certificate to any such corporation, company or association, when in his judgment such refusal will best promote the public interest; and when upon investigation it appears that the expense of management of such company or association, for the year preceding the year in which such investigation is made, was more than thirty per cent. of its income from premiums, assessments and membership fees, the superintendent shall refuse or revoke such certificate; provided, that all decisions by him made shall be subject to review by courts of competent jurisdiction. Every such association shall, annually, before March first, file with the superintendent of insurance a statement under the oath of its officers showing its transactions for the year ending on the preceding thirty-first day of December, and its condition on that day, in the form prescribed by the superintendent. The provisions of section thirty-six hundred and thirty-f shall apply to such company or association.

Repeals.

SECTION 2. That said original section 3630j be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force on and after April 1st, 1905.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
 117G

[House Bill No. 362.]

AN ACT

To amend sections 3594 and 3595 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3594 and 3595 of the Revised Statutes of Ohio be amended so as to read as follows:

Life insurance companies:

Sec. 3594. The superintendent of insurance shall hold such securities as security for policy holders in the company; but so long as any company so depositing continues solvent he shall permit it to collect the interest or dividends on its securities so deposited, and from time to time to withdraw such securities, or any part thereof, on depositing with him other securities of the kinds heretofore named, and of equal value with those withdrawn. In case any company making or maintaining such deposit shall, through inadvertence or by reason of not having securities in such denominations as to make the exact sum of one hundred thousand dollars, deposit securities in excess of said requirement, such excess shall be held in trust for the company and not for the benefit of policy holders, and shall be returned to the company making the deposit, on its demand.

Company may change deposits and collect interest.

Deposit in excess of required amount held in trust for company and not for benefit of policy holders.

Sec. 3595. When the company is fully organized and has deposited the requisite amount of securities as aforesaid, it shall file with the superintendent of insurance a duly certified copy of its articles of incorporation and approval of the attorney-general, and a copy of its by-laws or constitution. If the superintendent shall find that the company is duly organized and that the capital stock of the company has been subscribed, paid in and invested as required by law, he shall, unless he finds the name assumed by the company so nearly similar to the name of another company doing business in this state as to lead to confusion or uncertainty on the part of the public, furnish the company with his certificate of such deposit, and with a license duly reciting that the company has complied with the law and is entitled to transact the business defined in section thirty-five hundred and ninety-six, Revised Statutes, which license shall be the authority to commence business and issue policies, and, so long as the company complies with the law, the superintendent shall, annually, upon its application, renew such license. Certified copies of such license may be used in evidence for and against the company in all actions.

When company may commence business.

SECTION 2. That said original sections 3594 and 3595 be and the same are hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,

Governor.

AN ACT

To amend sections 3686, 3687 and 3690 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

Insurance companies other than life:

SECTION 1. That sections 3686, 3687 and 3690 of the Revised Statutes of Ohio be amended so as to read as follows:

Mutual protection associations authorized.

Sec. 3686. Any number of persons of lawful age, residents of this state, or residents of an adjoining state and owning insurable property in this state, not less than ten in number, may associate themselves together for the purpose of insuring each other against loss by fire and lightning, cyclones, tornadoes or wind storms, hail storms and explosions from gas, on property in this state; and may make, assess and collect upon and from each other such sums of money, from time to time, as may be necessary to pay losses which occur by fire and lightning, cyclones, tornadoes, wind storms, hail storms and explosions from gas to any member of such association, and the assessment and collection of such sums of money shall be regulated by the constitution and by-laws of the association.

Certificate of incorporation.

Sec. 3687. Such persons shall make and subscribe a certificate setting forth therein:

First—The name by which the association shall be known.

Second—The place which shall be regarded as its center or business office.

Third—The object of the association, which shall only be one or more of the objects set forth in section thirty-six hundred and eighty-six of the Revised Statutes, and to enforce any contract which may be by them entered into, by which those entering therein shall agree to be assessed specifically for incidental purposes and for the payment of losses which occur to its members. The kinds of property proposed to be insured and the casualties specified in said section 3686 proposed to be insured against shall be specified in such certificate.

Certain insurance companies must adopt constitution and by-laws.

Sec. 3690. Every such association shall adopt such constitution and by-laws not inconsistent with the constitution and laws of this state or of the United States as will, in the judgment of its members, best subserve the interests and purposes of the association; and all persons who sign such constitution shall be considered and held to be members of the association, and shall be held in law to comply with all the provisions, and requirements of the association. Before granting any insurance, such association shall file with the superintendent of insurance a copy of its articles of incorporation duly certified to by the secretary of state, a copy of its constitution and by-laws and forms of certificates of membership or insurance, and if the superintendent find that the association has been duly organized and has complied

with the law, he shall issue to it his certificate reciting that it has complied with the law, which certificate shall be the authority of the association to commence business and grant insurance. Upon filing its annual statement, the superintendent shall, annually, issue a renewal of such certificate to such association if he find the association has complied with the law. For each such certificate and renewal every association shall pay to the superintendent for use of the state, five dollars, and the association shall annually upon receipt of same, publish such certificate or renewal in a newspaper published and of general circulation in the county of its center or business office, as prescribed for the publication of certificates defined in section two hundred and eighty-four of the Revised Statutes, which publication shall be in lieu of the publication required by said section two hundred and eighty-four; and the president or vice president and secretary of every such association shall annually on the first day of January, or within thirty days thereafter, prepare under oath and deposit in the office of the superintendent of insurance a statement of the condition of such association on the thirty-first day of December then next preceding, exhibiting such facts as are enumerated in section thirty-six hundred and fifty-four (3654) of the Revised Statutes, and applicable to such associations, and such other information necessary to reveal the financial condition of such association as the superintendent may require, in a printed form to be by him supplied to such association for that purpose, and every such association which fails to make and deposit such statement or to reply to any inquiry of the superintendent, shall be subject to a penalty of five hundred dollars and an additional five hundred dollars for every month that it continues thereafter to transact any business of insurance.

Statement to
be made to
superinten-
dent of insur-
ance.

SECTION 2. That said original sections 3686, 3687 and 3690 be and the same are hereby repealed. Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

Passed April 18, 1904. *President of the Senate.*

Approved April 22, 1904.

MYRON T. HERRICK,

119G

Governor.

[House Bill No. 254.]

AN ACT

To supplement section 283 of the Revised Statutes by the addition of a section numbered 283a, providing for the revoking of license heretofore, or any license that may hereafter be issued by the superintendent of insurance to persons that reside in states that prohibit residents of this state from acting as agents of insurance companies in such state or states.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 283 shall be supplemented by

Superinten-
dent of insur-
ance:

a section numbered 283a, which section 283a, shall read as follows:

When license
shall not be
issued.

Sec. 283a. No license shall be issued by the superintendent of insurance to any person as agent of an insurance company, when such person is a resident of any state, where, by the laws thereof, residents of this state are prohibited from acting as agents of insurance companies in such state; and when the superintendent of insurance is satisfied that any person holding a license as such agent is a resident of such state he shall revoke such license.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
120G

[House Bill No. 363.]

AN ACT

To amend section 285 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

Superinten-
dent of
insurance:

SECTION 1. That section 285 of the Revised Statutes of Ohio be amended so as to read as follows:

Foreign in-
surance com-
panies may
appoint agents
in this state.

Sec. 285. Any insurance company not organized under the laws of this state may appoint one or more general agents, by resolution of its board of directors or managers, with authority to appoint other agents of the company in this state, a certified copy of which resolution shall be filed with the superintendent of insurance; and agents of such company, appointed by such general agent, shall be held to be the agents of such company as fully, to all intents and purposes, as if they were appointed directly by the company; and agents for any such company in this state may be appointed by the president, vice president, chief manager, or secretary thereof, in writing, with or without the seal of the company, and when so appointed shall be held to be the agents of such company as fully as if appointed by the board of directors or managers in the most formal mode.

Repeals.

SECTION 2. That said original section 285 be and the same is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.

121G

[House Bill No. 360.]

AN ACT

To amend section 3604, 3605 and 3616 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3604, 3605, and 3616 of the Revised Statutes of Ohio be amended so as to read as follows:

Life insurance companies:

Sec. 3604. No company organized by act of congress, or under the laws of any other state of the United States, shall transact any business of insurance defined in section thirty-five hundred and ninety-six, Revised Statutes, on the capital stock or mutual plan, in this state until it procures from the superintendent of insurance a certificate of authority so to do; nor shall any person or corporation, directly or indirectly act as agent in this state for any such company, either in procuring applications for insurance, taking risks, or in any manner transacting the business of insurance, until such person or corporation procures from the superintendent of insurance a license so to do, in which the superintendent shall state that the company has complied with all the requirements of the laws of this state applicable to such company, and deposits a certified copy of such license in the office of the recorder of the county in which the office or place of business of such agent is established; for which filing such recorder may charge ten cents; nor shall any such company take risks or transact any business of insurance in this state, unless possessed of the amount of actual capital required of similar companies organized in this state under the provisions of this chapter, nor unless the entire capital stock of the company is fully paid up, and invested as required by the laws of the state where organized; but if the company is a mutual company, actual cash assets of the same amount and description, invested and deposited as required by the laws of the state where it was organized, shall be accepted in lieu of capital stock.

Companies organized by congress or in any other state must procure license.

Sec. 3605. No such company shall transact any such business of insurance in this state unless at least one hundred thousand dollars of its assets are invested in the interest paying bonds or stocks of the United States, or of this state or of any municipality or county thereof, or the interest paying state bonds or stocks of some other state of the United States, of the market value of one hundred thousand dollars in the city of New York, or in bonds and mortgages on unincumbered real estate in this state, or in the state under the laws of which it was organized, of at least double the value of the amount loaned thereon, and such bonds and mortgages are deposited with the superintendent of insurance of this state or the chief financial or other officer of the state in which such company was organized, designated by the laws of such state to receive the same; and if such bonds and mortgages are deposited with the superintendent of in-

Deposit with superintendent of insurance or other officer.

insurance or other officer of another state, the superintendent of insurance of this state shall be furnished with the certificate of such state officer, under his hand and official seal, that he, as such officer, holds in trust and on deposit, for the benefit of the policy holders of such company, the securities above mentioned, giving the items of such securities, and stating that he is satisfied such securities are worth at least one hundred thousand dollars.

Duration of
licenses.

Sec. 3616. All licenses granted by the superintendent of insurance in pursuance of this chapter shall continue in force, unless suspended or revoked, until the first day of April next after the date of their issue.

Repeals.

SECTION 2. That said original sections 3604, 3605, and 3616 be and the same are hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
122G

[House Bill No. 358.]

AN ACT

To amend section 3660 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3660 of the Revised Statutes of Ohio be amended so as to read as follows:

Insurance
companies
other than
life:

Certain for-
eign compan-
ies must
make deposit
with superin-
tendent of
insurance.

Sec. 3660. A company incorporated by or organized under the laws of a foreign government shall deposit with the superintendent of insurance, for the benefit and security of its policy holders residing in the United States, a sum not less than one hundred thousand dollars in stocks or bonds of the United States, or the state of Ohio, or any municipality or county thereof, which shall not be received by the superintendent at a rate above their par value; the stocks and securities so deposited may be exchanged from time to time for other like securities; so long as the company so depositing continues solvent and complies with the laws of this state, it shall be permitted by the superintendent to collect the interest or dividends on such deposits; and for the purposes of this chapter the capital of any foreign company doing fire insurance business in this state shall be deemed to be the aggregate value of its deposits with the insurance or other departments of this state and of the other states of the United States, for the benefit of policy holders in the United States, and its assets and investments in the United States certified according to the

provisions of this chapter; but such assets and investments must be held within the United States and invested in and held by trustees, who must be citizens of the United States, appointed by the board of directors of the company and approved by the insurance commissioner of the state where invested, for the benefit of the policy holders and creditors in the United States; and the trustees so chosen may take, hold and convey real and personal property for the purpose of the trust, subject to the same restrictions as companies of this state. All property and investments, cash and bank deposits and premiums in course of collection and agents' balances actually owned and held in the United States may be admitted as assets of such company of a foreign country doing insurance business other than life, provided investments and assets of similar character are allowed and admitted as such, by the laws of the state in which the company has its head office, to companies organized in such state doing similar business therein.

SECTION 2. That said original section 3660 be and the same is hereby repealed. Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
123G

[House Bill No. 381.]

AN ACT

To amend sections 3634 and 3640 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3634 and 3640 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3634. Except as hereinafter provided, no joint stock insurance company shall be organized under this chapter, or permitted to do business in this state with a less capital than one hundred thousand dollars, which must be fully paid up before the company shall be entitled to transact business, except, that but twenty-five per cent. of the capital stock of a live stock company must be paid up before the same shall have the right to do business.

Any company so incorporated for the purpose of transacting the business of fire insurance on the mutual plan shall thereupon have the power to elect officers and, upon procuring from the superintendent of insurance his certificate that it has filed with him its bond in the sum of ten thousand dollars approved by him, conditioned upon the faithful

Insurance
companies
other than
life:

Capital of
joint stock
companies.

When com-
pany may en-
gage in
business.

Amount and character of subscription in mutual fire companies necessary.

accounting of all funds and property coming into its hands, such companies shall have the power to solicit subscriptions for insurance and accept premiums, which shall be held by the company in trust for the respective subscribers until policies of insurance are issued to such subscribers. Such company shall not issue policies or grant any insurance until it has procured the certificate of the superintendent of insurance provided for in section 3640 of the Revised Statutes, and such certificate shall not be issued until not less than five hundred thousand dollars of insurance in not less than two hundred separate risks, no one of which shall exceed five thousand dollars, have been subscribed, and the premiums thereon, for one year, paid in cash by the subscribers, aggregating not less than ten thousand dollars in cash, each subscriber agreeing, in writing, to assume a liability to be named in the policy, subject to call by the board of directors, in a sum not less than three nor more than five annual premiums. And the same liability shall also be agreed to in writing by each subsequent subscriber or applicant for insurance who is not a merchant or manufacturer. And each subscription before incorporation shall be accompanied by a certificate of a justice of the peace of the township or city where such subscriber resides, that the subscriber is, in his opinion, pecuniarily good and responsible to the extent of the contingent liability agreed to be assumed.

Annual cash premiums collectable in advance by mutual companies.

Mutual fire insurance companies organized under this act may thereafter charge and collect in advance upon their policies a full annual premium in cash, but such policies shall not compel subscribers, insured or assured, to renew any policy nor pay a second or further annual or term premium.

Contingent mutual liability for losses and expenses.

Any such company must in its by-laws, and must in its policies, fix by a uniform rule the contingent mutual liability of its members for the payment of losses and expenses; and such contingent liabilities shall not be less than three nor more than five annual cash premiums as written in the policy; but such liability shall cease with the expiration of the time for which a cash premium has been paid in advance, except for liability incurred during said time.

Certain associations not included.

But nothing in this section shall apply to associations for the mutual protection of their members against loss by fire heretofore or hereafter organized as provided in section 3686 of the Revised Statutes.

Examination.

Sec. 3640. When a company notifies the superintendent of insurance that the proceedings required by the preceding section have been had, he shall make an examination of the condition of the company, and if he find that the capital required of the company has been paid in and is possessed by it in money, or in such stocks, bonds, and mortgages as are required by this chapter, he shall so certify; or he may cause such examination to be made by some disinterested person specially appointed by him for the purpose, who shall certify his finding to the superintendent under oath; the signers of the articles of incorporation, or the officers of the

company, shall also certify, under oath, that the capital exhibited is bona fide, the property of the company; such certificates shall be filed in the office of the superintendent; and thereupon the company shall file with the superintendent a certified copy of its articles of incorporation and approval of the attorney-general, and a copy of its by-laws and constitution. And if the superintendent shall find that the company is duly organized and has complied with the law and entitled to transact business and issue policies, unless he find the name assumed by the company so nearly similar to the name of another company doing business in this state as to lead to confusion or uncertainty on the part of the public, he shall furnish the company with his license duly reciting that the company has complied with the law and is entitled to transact the business authorized, describing it, which license shall be the authority to commence business and issue policies; and so long as the company complies with the law, the superintendent shall, annually upon its application, renew such license. Certified copies of such license may be used in evidence for or against the company in all actions.

SECTION 2. That said original sections 3634 and 3640 be and the same are hereby repealed. Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
124G

[House Bill No. 331.]

AN ACT

Authorizing the superintendent of insurance to issue licenses permitting fire, lightning, explosion, tornado and marine insurance in companies not licensed to transact business in this state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The superintendent of insurance may issue licenses to citizens of this state, subject to revocation at any time, permitting the person named therein to procure fire, lightning, explosion, tornado or marine insurance, on property in this state, in insurance companies not authorized to transact business in this state. Each such license shall expire on the thirty-first day of March next after the year in which it is issued, and may be then renewed. For each such license and renewal, the superintendent of insurance shall collect ten dollars, and such licenses and renewals shall be filed with the recorder and published annually in the

Subject to certain conditions, superintendent of insurance authorized to issue licenses permitting agent to procure fire, lightning, explosion, tornado or marine insurance in companies not authorized to transact business in this state.

county where such agent's office is located in the same manner as is required of certificates of compliance by section two hundred and eighty-four, Revised Statutes. Before the person named in such license shall procure any insurance in such companies on any such property, he shall in every case file with the superintendent of insurance his own affidavit and the affidavit of the person, or of the president or secretary of the corporation, owning the property on which the insurance is proposed to be placed, which shall have force and effect one year only from the date thereof, that such owner is unable to procure from companies authorized to do business in this state the amount of insurance necessary to protect said property.

Agent must keep separate account of business done under such license, etc.

Must give bond.

SECTION 2. Each person so licensed shall keep a separate account of the business done under his license, a certified copy of which account he shall forthwith, on procuring or issuing any such policy, file with the superintendent of insurance, showing the amount of such insurance, the name of the owner, brief description and location of the property, gross premium charged, name of company in which the insurance is placed, date of policy and term thereof, and, also, a report in the same detail of all such policies cancelled and gross return premiums thereon. Before receiving such license such person shall execute and deliver to the superintendent of insurance a bond in the penal sum of two thousand dollars, payable to the state, with at least two sureties, or a duly licensed surety company approved by the superintendent, and conditioned that the licensee will faithfully comply with all the requirements of this law, and will annually file with the superintendent of insurance in January, a sworn statement of the gross premiums charged for insurance procured or placed, and the gross premiums on such insurance cancelled under such license during the year ending on the thirty-first day of December last preceding, and at the time of filing such statement will pay to the superintendent of insurance an amount equal to five per cent. of the balance of such gross premiums after deducting such return premiums so reported.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.
Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
125G

[House Bill No. 354.]

AN ACT

To amend section 3657 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3657 of the Revised Statutes of Ohio relating to insurance companies be amended so as to read as follows:

Sec. 3657. Any such company desiring to transact any business by an agent in this state, shall file with the superintendent a written instrument, duly signed and sealed, authorizing any agent of the company in this state to acknowledge service of process in this state for and in behalf of the company, consenting that service of process, mesne or final, upon any such agent, shall be taken and held to be as valid as if served upon the company according to the laws of this or any other state or country, waiving all claim or right of error by reason of such acknowledgment of service, and consenting that suit may be brought against it in the county where the property insured was situate, or where the same was insured, or where the application for insurance was taken, and that service of process made therein by the sheriff of such county, by sending a copy thereof by mail, addressed to the company at the place of its principal office located in the state where it was organized, or, if it is a foreign company, to such company at the place of its principal office in the United States, at least thirty days prior to taking judgment in such suit, shall be as valid as if personally made upon the company according to the laws of this state, or any other state or government, and that if suit be brought against it after it ceases to do business in this state as aforesaid, and there be no agent of the company in the county in which suit is brought upon whom service of process can be had, service upon it may be had by the sheriff sending a copy thereof, mailed as aforesaid, and within the time aforesaid; but the sheriff's return shall show the time and manner of such service.

Insurance companies other than life:

The waiver companies must file.

SECTION 2. That said original section 3657 be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
126G

[House Bill No. 351.]

AN ACT

To repeal section 2 of the act passed April 21, 1896, entitled
 "An act making one-half of every Saturday a legal holiday."

Be it enacted by the General Assembly of the State of Ohio:

Saturday
half holiday
act.

SECTION 1. That section 2 of the act of April 21, 1896, entitled "An act making one-half of every Saturday a legal holiday," be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
 127 G

[House Bill No. 361.]

AN ACT

To amend section 3644 of the Revised Statutes of Ohio, relating
 to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

Insurance
companies
other than
life:

When agent
held to be
agent of
insurer.

SECTION 1. That section 3644 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3644. A person who solicits insurance and procures the application therefor, shall be held to be the agent of the party, company or association thereafter issuing a policy upon such application or a renewal thereof, anything in the application or policy to the contrary notwithstanding.

Repeals.

SECTION 2. That said original section 3644 be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
 128G

[House Bill No. 312.]

AN ACT

To repeal the act entitled "An act to provide for the incorporation and regulation of corporations, companies or associations transacting the business of life insurance on the stipulated premium plan as herein defined," passed April 25, 1898.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the act of the general assembly of the state of Ohio, entitled "An act to provide for the incorporation and regulation of corporations, companies or associations transacting the business of life insurance on the stipulated premium plan as herein defined," passed April 25, 1898, be and the same is hereby repealed.

Act providing for incorporation of companies for making life insurance on the stipulated premium plan repealed.

SECTION 2. The repeal of said act shall not affect corporations or companies now lawfully transacting the business of life insurance on the stipulated premium plan in this state under authority of said act, and said companies and corporations now so transacting such business under authority of said act shall continue to be authorized and regulated by said act.

Not to affect companies now lawfully transacting business under authority of said act.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.
Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
129G

[House Bill No. 424.]

AN ACT

To amend section 3838 Revised Statutes of Ohio, relating to common carrier companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3838 Revised Statutes of Ohio, be amended so as to read as follows:

Powers of certain corporations:

Sec. 3838. A corporation organized as and for a common carrier company shall have the following powers:

Common carrier companies.

1. To make all contracts that it shall be lawful for natural persons to make for the carriage of persons, and the storage, forwarding, carriage and delivery of property, but subject to the same liabilities.

2. To lease, and to hold and operate, any line of railway and its appendages, either before or after its completion, owned by a municipal corporation of this state, and any railway connecting therewith, lying within [without] this state,

and such portion of any railway within this state as may be necessary for the convenient dispatch of its business.

3. To construct, or complete and equip, any railway and its appendages which it is authorized to lease.

4. To borrow money, not exceeding its authorized capital stock, at a rate of interest not exceeding seven and three-tenths per cent. per annum, and execute bonds or promissory notes therefor, payable in gold or lawful money, in sums of not less than one hundred dollars, and secure payment thereof by mortgage or pledge of its property then or thereafter acquired, and its income or franchises, including the franchise to be a corporation; but no mortgage bond shall be sold at less than par in lawful money, without the consent of a majority in interest of the stockholders, given at a meeting of the stockholders, or in writing; and shall have and may exercise all other powers of a railroad company under the laws of this state, including the right of appropriation; but the powers contained in this subdivision shall be exercised only by common carrier companies organized under this act, or the act repealed by section two of this act, and operating a steam railroad.

Repeals.

SECTION 2. That section 3838 be and the same hereby is repealed.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 21, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,

Governor.

130G

[House Bill No. 400.]

AN ACT

To amend sections 65, 66, and 67 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22nd, 1902, in relation to sprinkling and cleaning of streets and planting shade trees.

Be it enacted by the General Assembly of the State of Ohio:

**Municipal
corporations;
assessments.**

SECTION 1. That sections 65, 66 and 67 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all

sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, 96 O. L., page 20, be amended so as to read as follows:

Sec. 65. Cities and villages shall have authority to sprinkle with water, sweep, and clean, any streets or alleys, or parts thereof, and plant and take care of shade trees in such streets or alleys, or parts thereof. All said work may be done by contract, or by and through the officers of such cities or villages. But before said work shall be done by or through the officers of such cities or villages, the council thereof shall pass an ordinance authorizing the officer or officers having the care of streets and alleys, to purchase or rent the necessary tools, machinery and appliances, to employ the necessary labor and to do said work. For the purpose of doing said work the board of public service, in cities, may divide such cities into districts, and may appoint two electors, owners of real estate abutting on each street or alley or part thereof, who shall act as commissioners for such street or alley or part thereof, and who shall serve without compensation. Said commissioners shall be appointed for the term of one year, and any vacancy may be filled by said board of public service by the appointment of some qualified person. Said commissioners shall within ten days after such appointment, in each year, file with the board of public service, a written statement of the sprinkling with water, sweeping, or cleaning, that in their opinion will be necessary to be done, upon such street, or alley or part thereof, and the number of shade trees that should be planted and the amount of care necessary for shade trees, in any such street or alley or part thereof, within the period ending December 31 of each year; and said board of public service, from the statements so filed and from such other information as may come to their knowledge, or upon failure of said commissioners to file such statement, may determine what is necessary to be done, upon said street, or alley, or part thereof, within said period.

Sec. 66. The council of any city, upon the recommendation of the board of public service, or the council of any village, may provide by ordinance for such sprinkling with water, sweeping, or cleaning of said streets or alleys or parts thereof, or the planting or taking care of shade trees, in said streets or alleys or parts thereof. For the purpose of carrying out the provisions of this section and of the next preceding section, one ordinance may be made to include one or more streets or alleys or parts thereof, or one or more districts, and one or more of the powers granted by this section, or the next preceding section. Notice of the passage of said ordinance shall be served by the clerk of the council, his assistant, or other proper person designated by council, upon the owner, or the agent of the owner, of each piece of property to be assessed, in the manner provided by law for the service of summons in civil actions, provided that, if any such owner be not resident of the corporation, and if such owner has no agent resident of the corporation, then notice of the passage of said ordinance, as to such non-

Keeping streets in repair, planting shade trees, sprinkling, sweeping, etc.

Ordinance for such purpose.

Board of public service may divide city into districts and appoint commissioners.

Duties.

Ordinance for sprinkling, sweeping, cleaning streets, planting shade trees, etc.

Notice.

residents, shall be published at least once, in some newspaper of general circulation within the corporation, and such notice, whether by service or publication, shall be completed ten days before any work is done in pursuance of said ordinance or any assessment is levied for such work and the return of the officer making such service or a certified copy of said return shall be prima facie evidence of the service of such notice.

Assessment
of cost
and collection
thereof.

Sec. 67. The entire cost and expense connected with any work, authorized in the next two preceding sections, whether done by contract, or by and through the officers of said cities or villages, may, by ordinance, be assessed upon the abutting or other specially benefitted property, and by any one of the methods mentioned in section 50 of said act. The assessment so levied may be collected in one installment in the manner provided in the case of assessments for street improvements; provided, however, that the council may if it deem expedient, levy and collect said assessments, at any time, before or after the completion of said work. The said assessment ordinance may be made to include the property abutting upon any one or more streets or alleys or parts thereof; or the property abutting upon the streets or alleys or parts thereof in one or more districts, and one or more of the powers granted in the next two preceding sections. Bonds or certificates of indebtedness may be issued and sold in anticipation of the collection of said assessments. No part of the cost and expense connected with said work shall be paid by the city or village, nor shall the right of the city or village to levy said assessments be affected by the tax valuation of the property to be assessed or by the amount of assessments heretofore levied upon said property.

Bonds may
be issued
and sold.

Repeals.

SECTION 2. That said original sections 65, 66 and 67 of said act, be and the same are hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 18, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,

Governor.

131G

[House Bill No. 527.]

AN ACT

To extend power of lunacy investigations to common pleas judges.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That when it is made to appear to the satisfaction of any common pleas judge within any county of the state of Ohio that the probate judge of any such county is absent from the county, or by reason of sickness or other cause is disabled or unable to perform the duties

In certain
cases com-
mon pleas
judges shall
have power
of lunacy in-
vestigation.

conferred upon him under the statutes of Ohio, touching the admission of patients to any of the asylums of the state of Ohio for the insane, any judge of the court of common pleas of such county where such facts exist is hereby invested with full power and jurisdiction to perform all and singular the duties conferred by law upon the probate judge in such cases and the record of any such cases shall be made and preserved in the usual records of the probate court by the deputy clerk thereof, and not elsewhere.

SECTION 2. Wherever within the statutes of Ohio the words "probate judge" occur, in relation to such charges of lunacy matters, it shall be held to be extended to the common pleas court of such county whenever it is made to appear to such common pleas judge that the said probate judge is incapacitated by sickness or otherwise from sitting in any such case as already set forth in this act.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 19, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
132G

[House Bill No. 436.]

AN ACT

To supplement section 2545 of the Revised Statutes, relating to transfers of cemeteries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2545 of the Revised Statutes be supplemented as follows: Cemeteries:

Sec. 2545a. The city council of any city or village, and the trustees of any township, may transfer to any cemetery association incorporated under existing laws, the lands, lots, and improvements of such cemetery, now owned and controlled by said city, village or township, for cemetery purposes; said cemetery association shall assume all legal debts on said cemeteries so transferred.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 19, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
133G

Municipality
or township
may transfer
cemetery
property to
cemetery
association.

AN ACT

To amend section 3656 of the [Revised] Statutes of Ohio, relating to the admission in Ohio of foreign companies, associations or partnerships engaged in the business of insurance other than life insurance.

Be it enacted by the General Assembly of the State of Ohio:

Insurance
companies
other than
life:

SECTION 1. That section 3656 of the Revised Statutes of Ohio as amended April 13, 1894, be amended to read as follows:

Certain for-
eign com-
panies must
obtain license
from superin-
tendent of
insurance.

Sec. 3656. No company, association or partnership, incorporated, organized or associated under the laws of any other state of the United States, or of any foreign government, for any of the purposes mentioned in this chapter, which does a banking or any other kind of business in connection with insurance, except surety companies which shall be admitted to guarantee the fidelity of persons holding places of public or private trust who may be required to or do in their trust capacity receive, hold, control and disburse public or private moneys or property, and guarantee the performance of contracts other than insurance policies and execute and guarantee bonds and undertakings required or permitted in all actions or proceedings, or by law allowed, shall directly or indirectly, transact any business of insurance in this state, nor shall any company, association or partnership, mentioned in this section do any such business in this state until it procures from the superintendent a certificate of authority so to do; nor shall any person or corporation act as agent in this state for any company, association or partnership, mentioned in this section directly or indirectly, either in procuring applications for insurance, taking risks or in any manner transacting the business of insurance, until it procures from the superintendent a license so to do, stating that the company, association or partnership has complied with all the requirements of this chapter applicable to such company, and depositing a certified copy of such license in the office of the recorder of the county in which the office or place of business of such agent or agents is established; nor shall any company, association or partnership organized under the laws of any other state, take risks or transact business of insurance in this state, directly or indirectly, unless possessed of the amount of actual capital required by similar companies formed under the provisions of this chapter, nor unless the capital stock of the company is paid up and invested as required by the laws of the state where it was organized, and if a live stock insurance company, until it has deposited in such state or in this state, for the benefit of its policy holders, securities approved by the insurance department of such state in an amount equal to one-fourth of its entire capital stock; but if the company is a mutual fire insurance company it shall have actual cash assets of the same amount and description as required of

mutual fire insurance companies of this state, after organization, invested as required by the law of the state where such company was organized, and such companies must have either premium notes or contingent liability of the same amount as is required of similar fire insurance companies of this state, which contingent liability may be either in writing or be expressed in the policies issued by such company.

SECTION 2. That section 3656 of the Revised Statutes of Ohio as amended April 13th, 1894, be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 19, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
134G

[House Bill No. 320.]

AN ACT

To amend section 917 of the Revised Statutes of Ohio, relating to county commissioners making their annual report, and the appointment of persons to examine said report and the publication thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 917 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 917. The county commissioners, annually, on or before the third Monday in September, shall make a detailed report in writing, itemized as to amount, to whom paid and for what purpose, to the court of common pleas of the county, of their financial transactions during the next year preceding the time of making such report, and which report shall be published immediately in a compact form one time in two newspapers of different political parties, printed in the county, and of general circulation in said county, if there are two such papers published; if not, then a publication in one paper only is required; and in addition to the publication therein required, be published in one newspaper printed in the German language and having a bona fide circulation of not less than six hundred, if there be such a paper printed, and in general circulation among the inhabitants speaking that language in the county, and in the same manner. The commissioners of each county shall each forfeit and pay into the county treasury five dollars for each day after the third Monday of September annually, that the making and filing of said report is delayed,

County
commission-
ers:

Shall make
report in writ-
ing to court
of common
pleas.

Publication
of same.

Forfeiture
for delay.

**Examination
of report.**

**Within what
time exam-
ination to be
completed.**

**Clerk of
court shall
certify costs.**

**Publication
of report of
examination.**

and the court shall cause the same to be investigated and examined by the prosecuting attorney of the county, together with two suitable persons to be appointed by the court, and the two persons so appointed shall each be allowed and paid out of the county treasury, on the warrant of the county auditor, the sum of three dollars per day, for the time they are necessarily employed in making said investigation; which time shall not exceed thirty days unless upon application made to the common pleas court for an extension of time, showing that said report cannot be examined in thirty days; of which notice of the time for hearing said application shall be given to the public for two consecutive weeks, which notice shall be published in two newspapers of different political parties printed in the county and of general circulation therein, if there are two such papers published, if not, publication in one paper only is required. At said hearing any taxpayer of the county may be heard in person, or by attorney, against the granting of an extension of time for the further examination of said report. If at said hearing the court is satisfied, that an extension of time for the completion of the examination of said report is needed, he may grant said persons such further time for the completion of the examination thereof, as he deems necessary: to aid in their investigation, the persons so appointed, with the prosecuting attorney, to examine said report, shall have power when, in their opinion, it is necessary, or the court shall so order, to subpoena witnesses to appear before them at such time and place as is designated; upon the filing of a præcipe with the clerk of the court of common pleas, he shall issue (a) subpoena directed to the sheriff of the county, who shall serve the same and make return according to law; such witnesses may be sworn before any officer authorized to administer oaths and shall thereupon be compelled to answer such questions as are put to them relative to the official transactions of the county commissioners; the clerk of the courts shall certify all costs arising under these proceedings to the auditor of the county, who shall draw warrants upon the county treasurer for the payment of the same, and said examiners, when they have completed their examination, with the auditor of the county, shall leave said financial statement, and the report of their examination, with the auditor of the county, for the use of the commissioners, who shall, immediately thereafter, cause said report of their examination (without said itemized or detailed report of said commissioners), to be published for one time in two newspapers of different political parties, printed in the county, and of general circulation in said county, if there are two such papers published; if not, then a publication in one paper only is required; and in addition to the publication therein required, be published in one newspaper printed in the German language and having a bona fide circulation of not less than six hundred, if there be such a paper printed, and in general circulation among the inhabitants speaking that language in the county, and in the same

manner; in case of any violation of the law, the prosecuting attorney is directed to cause the same to be prosecuted according to the nature of the case; and if any county commissioners in this state fail or neglect to make the report required of them by this chapter, and have same published at the time therein required, they shall be fined in any sum not exceeding one hundred dollars; and the prosecuting attorney of any such county shall prosecute in the court of common pleas, as is provided by law in similar cases, any one or all of such commissioners who neglect or refuse to publish the required statement, as herein provided.

Violation of law shall be prosecuted.

SECTION 2. That said original section 917 be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
135G

[Senate Bill No. 215.]

AN ACT

To authorize county commissioners to erect temporary buildings where the county infirmary has been condemned by boards of health.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any county, in which the county infirmary building or buildings has been condemned by the board of health, or shall hereafter be condemned by the board of health, the county commissioners of said county shall have authority to construct temporary buildings, appropriate money, levy tax and issue and sell the bonds of said county, where necessary, in anticipation of such levy, in an amount not to exceed ten thousand dollars (\$10,000) for the purpose of building such temporary infirmary building or buildings, without first advertising for bids as by statute required.

In certain cases county commissioners may erect temporary infirmary buildings.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 19, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
136G

[House Bill No. 317.]

AN ACT

To amend section 3244 of the Revised Statutes of Ohio, to increase the number of directors in certain corporations.

Be it enacted by the General Assembly of the State of Ohio:

Creation of
corporations,
etc.:

Certificate
of
subscription
to stock, notice
of election of
directors.

Number of
directors.

SECTION 1. That section 3244 of the Revised Statutes of Ohio be and is hereby amended so as to read as follows:

Sec. 3244. As soon as ten per cent. of the capital stock is subscribed, the subscribers of the articles of incorporation, or a majority of them, shall so certify, in writing, to the secretary of state, and thereupon shall give notice to the stockholders, as provided in section three thousand two hundred and forty-two, to meet at such time and place as they may designate, for the purpose of choosing not less than five nor more than fifteen directors, except that savings and loan associations, mutual telephone companies, safe deposit companies and trust companies may choose not more than thirty directors, who shall continue in office until the time fixed for the annual election, and, until their successors are chosen and qualified; provided, that in case all subscribers are present in person, or by proxy, such notice may be waived in writing, and the incorporators of the company shall be liable to any person affected thereby, to the amount of any deficiency in the actual payment of said ten per cent., at the time of so certifying.

Repeals.

SECTION 2. That said original section 3244 of the Revised Statutes of Ohio be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 18, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,

Governor.

137G

[House Bill No. 387.]

AN ACT

To amend section 4768 of the Revised Statutes of Ohio, providing for a levy to enable county commissioners to build turnpike roads.

Be it enacted by the General Assembly of the State of Ohio:

Turnpikes:

SECTION 1. That section 4768 of the Revised Statutes of Ohio be amended so as to read as follows:

When a tax
may be levied
and how much.

Sec. 4768. Upon the location and establishment of any such turnpike road by the county commissioners, and after an affirmative vote by the electors, they may, for the

purpose of aiding in the construction, and to provide a permanent fund for the maintenance and expense thereof, levy annually, in addition to other road taxes authorized by law, a tax for turnpike road purposes of not more than six mills on the dollar of valuation on the grand duplicate of taxable property in the county, and to continue such levy from year to year, until the road or roads which have been commenced are completed.

SECTION 2. That said original section 4768 of the Revised Statutes of Ohio is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,

Passed April 18, 1904. *President of the Senate.*

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.

138G

[House Bill No. 396.]

AN ACT

To amend section 4111 of the Revised Statutes of Ohio, extending the power to take acknowledgment of deeds to a consul-general, vice consul-general, deputy consul-general, vice consul, deputy consul, commercial agent and consular agent.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4111 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 4111. The acknowledgment of an instrument for the conveyance or incumbrance of lands, tenements, or hereditaments situate within this state, may be made without this state before a commissioner appointed by the governor of this state for that purpose, or a consul-general, vice consul-general, deputy consul-general, consul, vice consul, deputy consul, commercial agent and consular agent of the United States resident in any foreign country; and all deeds, mortgages, powers of attorney, and other instruments of writing for the conveyance or incumbrance of lands, tenements, or hereditaments situate within this state, executed and acknowledged, or proved, in any other state, territory or country, in conformity with the laws of such state, territory, or country, or in conformity with the laws of this state, shall be as valid as if executed within this state, in conformity with the foregoing provisions of this chapter.

SECTION 2. That said original section 4111 of the Revised Statutes of Ohio be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,

Passed April 18, 1904. *President of the Senate.*

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.

139G

Conveyances
and incum-
brances:

Who may
take
acknowledg-
ment of deeds
made out of
state.

Instruments
may be ex-
ecuted ac-
cording to
law of place
where made.

Repeals.

AN ACT

To amend an act entitled, "An act to amend an act passed April 14, 1900, entitled, 'An act to prevent the introduction and spread of the San Jose scale and other dangerous insects and dangerously contagious diseases affecting trees, shrubs, vines, plants and fruits,' passed by the general assembly of Ohio, May 10, 1902."

Be it enacted by the General Assembly of the State of Ohio:

State board of agriculture empowered to make regulations for control and prevention of dangerously injurious insect pests and plant diseases.

Authorized to establish division of nursery and orchard inspection, etc. May appoint entomologist as chief inspector; duties.

Application for inspection of nursery stock and premises.

Penalty for failure to make application.

Inspection and certificate of same.

SECTION 1. The Ohio state board of agriculture is hereby empowered and directed to make such regulations as may be deemed necessary for the control of dangerously injurious insect pests and plant diseases, and for the prevention of the spread of San Jose scale, peach yellows, black knot and any other dangerously injurious insect pests or plant diseases which are hereby declared a public nuisance and are liable to be transmitted on nursery stock. Said board is hereby authorized to establish a division of nursery and orchard inspection in the Ohio department of agriculture, and to appoint a competent entomologist as the chief inspector of said division, and the necessary assistants, who shall, under the direction of the board have charge of the inspection of nurseries and orchards, as hereinafter provided; he may investigate, or cause to be investigated, outbreaks of dangerously injurious insect pests or plant diseases, and recommend suitable measures to be taken for their eradication or control; he is empowered to devise and test practical remedies for their suppression, and publish the results of these investigations and such other information as may be deemed necessary.

SECTION 2. Every nurseryman or other person in the state of Ohio who is engaged in growing trees, shrubs, plants and vines for sale, except such as are hereinafter specified, shall on or before the first day of July of each year place on file in the office of the Ohio department of agriculture an application for the inspection of his nursery stock and premises. Failure to file such application, or the disposal of uninspected stock, either by sale or gift, shall render the owner liable to the penalty provided for in section 8 of this act. The chief inspector shall examine, or cause to be examined, before September 15th of each year, or as often as may be deemed necessary by said board, the nurseries and premises of all parties whose applications for inspection have been filed. If upon such examination the nursery stock and premises appear to be free from San Jose scale, peach yellows, black knot and other dangerously injurious insect pests or plant diseases, a certificate of inspection shall be given to the owner or lessee stating the facts, and said certificate shall be issued before September 15th and shall be valid for one year from that date, unless sooner revoked for cause. If any dangerously injurious insect pests or

plant diseases are found on nursery stock or premises, the chief inspector shall order and enforce such treatment, as shall be deemed sufficient, before granting a certificate of inspection. Upon the written request of the owner or lessee of any nursery premises, that has been regularly inspected in accordance with the provisions of this section, the said board, through the chief inspector, may issue a certificate of fumigation, provided that all the requirements of the said board have been complied with, and that the said fumigation shall be in accordance with the directions, and under the supervision, of an authorized assistant inspector appointed by said board. The provisions of this act shall not apply to greenhouse plants and cuttings thereof, bulbs, flowers and vegetable plants.

What shall be done when injurious insect pests or plant diseases are found.

Certificate of fumigation.

When act shall not apply.

SECTION 3. Every agent, dealer or any other person, not engaged in growing trees, shrubs, plants or vines for sale, who sells or deliver such stock, shall before delivering the same annually place on file in the office of the Ohio department of agriculture a statement made under oath, before an officer qualified to administer oaths in the locality where he may reside, or if a nonresident of the state in the locality where the said stock is sold or delivered, that the said stock has been duly inspected and was received by him accompanied with a valid official certificate of inspection or fumigation. Said statement shall also designate the name of the grower or growers from which such stock was obtained and the name of the owner or owners of the certificate or certificates under which the same is sold or delivered. The premises of any such person or persons as aforesaid shall be subject to inspection and to such regulations as may be deemed necessary by the Ohio state board of agriculture, for the prevention of the spread of dangerously injurious insect pests or plant diseases. Failure to file such sworn statement, or the sale or delivery of such stock after the certificate under which it was bought has become invalid shall render the agent or dealer liable to the penalties prescribed in section 8 of this act.

Anyone dealing in nursery stock must file with board statement that said stock has been duly inspected.

Penalty for failure so to file.

The provisions of this section shall not apply to any person or persons who sell or delivers such stock from nurseries within this state that hold a valid certificate, which is provided for in this act, if the said stock is delivered direct from the nursery to the grower in the original package.

When this section shall not apply.

SECTION 4. Whenever a nurseryman, or any other person, shall ship, or deliver, within this state, except for scientific purposes, trees, shrubs, plants or vines, commonly known as nursery stock, not excepted in section 2 of this act, he shall place upon each car load, box, bale or other package, a copy of certificate provided for in section 2 of this act, and signed by the chief inspector, stating that the said stock is apparently free from dangerously injurious insect pests and plant diseases. The illegal use of said certificate, by changing, defacing, or placing it on uninspected stock, or using the same after the date of expiration or revocation,

Use of certificate when nursery stock shipped within this state.

shall render the owner or shipper liable to the penalties prescribed for a violation of this act.

Same when
stock is
shipped
into state.

Duty of carrier
when certifi-
cate not
affixed.

Penalty.

Examination
of trees,
plants, etc.,
upon petition.

SECTION 5. Every package of trees, shrubs, plants or vines shipped into this state from any other state, territory, country or province, shall be plainly labeled on the outside with the names of the consignor and consignee, and a certificate stating that the contents have been inspected or fumigated by a state or government officer, and that the trees, shrubs, plants or vines therein contained are apparently free from dangerously injurious insect pests and plant diseases. If any trees, shrubs, plants or vines shall be shipped into this state without such certificate plainly affixed on the outside of the package, box or car containing the same, the facts must be reported within twenty-four hours to the chief inspector, or a regularly appointed assistant, by the railroad, express or steamboat company, or by any other person or persons carrying the same, and it shall be unlawful to deliver such property until it has been examined by a regularly appointed inspector, and by him certified to be apparently free from dangerously injurious insect pests and plant diseases. Any agent or common carrier, or persons carrying such property as aforesaid, who shall fail to give such notice as is hereby required, shall be deemed guilty of a violation of this act. When nursery stock is shipped into this state accompanied by a certificate, as herein provided, it shall be held as prima facie evidence of the facts therein stated, but the chief inspector, when he has reason to believe that any such stock is infested or infected, as hereinbefore described, is hereby authorized to cause the same to be examined. In case the same is found to be infested or infected by dangerously injurious insect pests or plant diseases, it shall be seized and the shipper shall be immediately notified, and after ten days from such seizure it may be declared a public nuisance and destroyed.

SECTION 6. Upon the petition of any freeholder or lessee within the state of Ohio, the chief inspector may cause to be examined any trees, shrubs, plants or vines, either on the premises of said petitioner, or in dangerous proximity thereto, as to the presence of dangerously injurious insect pests or plant diseases; and shall by himself, or through his assistant, have the right, within reasonable hours, to enter upon any premises in the prosecution of the duties defined in this act. If the examination discloses the presence of San Jose scale, peach yellows, black knot or any other dangerously injurious insect pest or plant disease, the chief inspector shall notify the owner or lessee of the premises in writing of the facts by mailing such notice to his usual post office address. He shall also state the limit of time within which treatment must be applied by the owner or lessee, in accordance with the directions issued by the Ohio state board of agriculture, and specify such trees, shrubs, plants or vines as must be destroyed, also when they shall be declared a public nuisance, provided the aforesaid orders are not com-

plied with. Should the owner fail to apply the treatment required in said notice in a satisfactory manner, and within the time specified, such treatment may be carried out under the direction of the chief inspector, and the entire cost of such treatment shall be certified to the county auditor of the county in which the property is located, and the same shall become a lien on the premises and shall be collected by the county treasurer as other taxes, and when collected shall be paid to the Ohio state board of agriculture. The owner of any premises as hereinbefore mentioned shall, in addition, be deemed guilty of a violation of this act, by reason of failure to comply with the requirements of said notice and shall be liable to the penalty provided.

Cost of treatment; how paid.

SECTION 7. Whenever the chief inspector, or any duly appointed assistant inspector, shall order any trees, shrubs, plants or vines growing in this state, or any nursery stock that has been shipped in from outside the state, to be destroyed, and the owner shall fail, for ten days after notice of such order, to destroy the same, as directed by such order, such failure shall be deemed a demand on the part of the owner to have judicially determined the right to enforce such destruction, and shall act as a stay upon the proceedings until such judicial determination shall be had; and, in such case, the chief inspector, or any duly appointed assistant inspector, shall commence, without delay, an action in the probate court of the county in which the trees, shrubs, plants, or vines or nursery stock are located, by filing an affidavit therein, setting forth that the trees, shrubs, plants or vines or nursery stock are infested or infected with dangerously injurious insect pest or plant diseases, a description of the premises whereon the same are located, the name of the owner or lessee of such premises, and of all persons having an interest in such premises or trees, shrubs, plants or vines, and, if the same are nursery stock, the name of the person, firm or corporation in whose possession the same are found, and that ten days have elapsed since orders have been made for the destruction of the same, and that such orders have not been obeyed. Upon such affidavit being filed, the probate judge shall issue a summons for all persons named in such affidavit, which shall contain a copy of said affidavit, commanding them to appear at a time to be fixed therein, not exceeding five days from the date thereof, to answer such complaint; such summons shall be directed to, and served by, the sheriff of the county, and may be served by him in any county in this state, and shall be served and returned, as directed by said probate court. At the time fixed in such summons, if the jury be not waived, said court shall order a jury to be drawn, and such jury shall be drawn, summoned, and impanelled, as in other civil cases, in probate courts, and the state of Ohio shall be plaintiff and the persons named in the affidavit shall be defendants, and no pleadings other than such affidavits shall be required, and the issue shall be whether said trees, shrubs, plants or vines, or

Destruction of trees, etc., by inspectors; judicial investigation.

nursery stock, are infested or infected with dangerously injurious insect pest or plant diseases, and all proceedings shall be had in the trial of such complaint, as are provided for the trial of civil cases, in probate courts. If the jury shall find that the orders for the destruction of the trees, shrubs, plants or vines, or nursery stock should be obeyed, it shall return a verdict finding the issues with the plaintiff, but if it should fail to so find, it shall return a verdict finding the issues with the defendant or defendants; and if the issues are found with the plaintiff, the court shall enter judgment against the defendant, or defendants, for costs, and cause execution to be issued therefor, and shall issue an order to the chief inspector, or assistant inspector, to enforce the orders by him made; but if the issues are found with the defendant, or defendants, the action shall be dismissed and the orders for destruction annulled, and the costs shall be ordered paid by the Ohio state board of agriculture, and paid by it out of any funds appropriated for carrying out this act. In the matter of taxing and apportioning costs, the court shall have the same equity powers as are now conferred upon courts of common pleas.

Costs, how borne.

Penalty for violation of this act.

SECTION 8. Any owner or lessee who shall fail, neglect, or refuse to treat infested or infected trees, shrubs, plants or vines within the time, and in the manner, prescribed in said notice, and any person who shall be ordered to destroy any trees, shrubs, plants or vines, or nursery stock, and shall fail, neglect or refuse to destroy the same, as ordered, within ten days after the probate court shall have issued its order to the chief inspector, or assistant inspector, to enforce the orders by him made, and any person who shall fail, neglect, or refuse to comply with, or obey, any order made pursuant to the provisions of this act, or who shall fail, neglect, or refuse to comply with any of the requirements or provisions hereof, or who shall violate or neglect to carry out, or offer any hindrance to the carrying out of any of the provisions of this act, shall be adjudged guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars or more than one hundred dollars for the first offense, and not less than fifty dollars or more than three hundred dollars for any subsequent offense, and the costs of prosecution, and stand committed until the same are paid. It shall be the duty of the prosecuting attorney of the county to conduct all prosecutions under this act, and all fines recovered shall be paid to the Ohio state board of agriculture. The probate court of each county in this state shall have original and final jurisdiction in all the prosecutions under any of the provisions of this act, and, for the trial of the same, such courts shall always be open, regardless of the terms fixed in said courts for the trial of criminal cases, and the complainant shall not be required to give security for costs.

Probate court given jurisdiction in prosecutions under this act.

Annual report to governor.

SECTION 9. The Ohio state board of agriculture shall make an annual report to the governor of the state concerning the operations of the division of nursery and orchard inspec-

tion, which shall give the number of nurseries inspected, the number of certificates issued, the number of trees treated and destroyed by the direction of the chief inspector, and such other information as may be deemed necessary.

SECTION 10. Said act passed May 10, 1902, entitled "An act to amend an act passed April 14, 1900, entitled 'An act to prevent the introduction and spread of the San Jose scale and other dangerous insects and dangerously contagious diseases affecting trees, shrubs, vines, plants and fruits,' is hereby repealed; and that this act shall take effect and be in force from and after its passage.

Repeals, etc.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 20, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
140G

[House Bill No. 212.]

AN ACT

To provide for the appointment of official court stenographers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The court of common pleas in all counties in this state may, when, in the opinion of the court, the business requires it, appoint a stenographic reporter, skilled in the profession, to be the official stenographer of such court, as well as the superior court and insolvency court where there is now or may hereafter be such, who shall hold said appointment for the term of three years from the date thereof, and until a successor is appointed and qualified, unless removed by the court, after good cause shown, for neglect of duty, misconduct in office, or incompetency. Such official stenographer shall take an oath to faithfully and impartially discharge the duties of such position. And whenever in any county the services of one or more additional stenographers are necessary, the court may appoint assistant stenographers (which number of assistants shall in no case exceed five) who shall be skilled in their profession, take a like oath, serve for such time as their services may be required by the court, not exceeding three years under any one appointment, and may be paid at the same rate and in the same manner as the official stenographer. Each and all such stenographers, when so appointed, shall be ex officio the stenographers of the insolvency and superior courts of such counties.

Appointment
of official
court stenog-
rapher.

Term ;
removal ;
oath.

Additional
stenographers.

SECTION 2. Upon the trial of a case in any of such courts, if either party to the suit, or his attorney, requests the services of such stenographer, the trial judge shall grant the same, or, upon his own motion, may order a full report

When party
requests it,
the court may
order a full
report of the
testimony.

of the testimony or other proceedings, in which case such stenographer shall cause accurate shorthand notes of the oral testimony or other oral proceedings to be taken, which notes shall be filed in the office of the official stenographer and carefully preserved.

Fees for stenographers' services; how disposed of.

SECTION 3. In every case reported, as hereinbefore provided, there shall be taxed for each day's service of the official or assistant stenographers, as the case may be, a fee of four dollars, to be collected as other costs in the case, and when collected, paid quarterly by the clerk of the court in which such case was tried, into the treasury of such county, and credited to the general fund.

Compensation.

SECTION 4. Each and all such stenographers hereinbefore provided for shall receive such compensation as shall be fixed by the court making the appointment, not exceeding twenty-four hundred dollars per annum in counties where more than three judges of the court of common pleas holds court regularly, and in all other counties not exceeding eighteen hundred dollars per annum, which shall be in lieu of all per diem compensation in such courts; and it shall be the duty of the auditor of such county to issue warrants on the treasurer of such county for the payment of such compensation, out of the general fund in equal monthly installments, upon presentation to him of a certified copy of the journal entry appointing such stenographers, fixing their compensation.

Transcripts of testimony shall be furnished to party if requested.

SECTION 5. When shorthand notes have been taken in any case as herein provided, if the court, or either party to the suit, or his attorney, request transcripts of all or any portion of said notes into longhand, the official stenographer or assistant stenographer reporting the case, shall cause full and accurate transcripts to be made of all or such portions of the testimony or other proceedings as may be requested, for the use of the court or the parties ordering the same. The

Stenographers' fees for transcripts.

compensation of such stenographers for making such transcripts shall be not more than eight cents per folio of one hundred words, to be fixed by the common pleas judges of the subdivision and in all civil cases shall be paid for forthwith by the party for whose benefit the same are made. All transcripts made in criminal cases, either by request of the prosecuting attorney or the defendant, and transcripts ordered by the court in either civil or criminal cases, shall be paid for out of the county treasury, and when so paid shall be taxed and collected as other costs in the case. The clerk of the proper court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of such county, upon which he shall forthwith draw his warrants upon the county treasury in favor of such stenographers. The costs of all such transcripts so made in criminal cases, when ordered by the prosecuting attorney or defendant, or when ordered by the court for its own use, in either civil or criminal cases, shall be taxed as costs in the case, and collected as other costs, and when so collected shall be by

Shall be taxed as costs.

the clerk of the proper court paid quarterly into the treasury of such county, and credited to the general fund. When more than one transcript of the same testimony or proceedings shall be ordered at the same time by the same party, or by the court, the compensation for making such additional transcript shall be one-half the compensation allowed for the first copy, and shall be paid for in the same manner. All such transcripts shall be taken and received as prima facie evidence of the correctness of the same. When the testimony of witnesses is taken before the grand jury in any county by such stenographers, in pursuance of section 7195 of the Revised Statutes, they shall receive the same compensation per folio for such transcript as may be ordered by the prosecuting attorney and be paid therefor in the manner herein provided.

SECTION 6. Stenographers appointed under the provisions of this act may be appointed referees to take and report proof in causes pending in any of the courts of this state, and in the taking of proof as such referees they shall have power to swear witnesses. They shall be furnished by the board of county commissioners with a suitable room in the court house, and with all stationery, supplies, and other equipments necessary for the use of such stenographers in the proper discharge of their duties and for the preservation of their stenographic notes, which notes shall be and remain the property of the county and be carefully preserved in the office of such stenographers.

Stenographers, power of; office, where to be located.

SECTION 7. The following sections and acts are hereby repealed: **Repeals.**

Sections 475, 475a, 476, 477, 478, 478a, 478b, 479, 480 and 481 of the Revised Statutes of Ohio:

An act entitled "An act to re-enact sections 1 and 3 and to amend sections 2 and 4 of an act to provide for an official stenographer for the second subdivision of the third judicial district of Ohio, passed March 29, 1892, vol. 89, pp. 152-53 of the session laws of Ohio," passed March 29, 1900, 94 Ohio laws, pp. 86:

An act entitled "An act to amend sections 2 and 4 of an act entitled 'An act to re-enact sections 1 and 3 and to amend sections 2 and 4 of an act entitled "An act to provide for an official stenographer for the second subdivision of the third judicial district of Ohio," passed March 29, 1892," passed March 29, 1900, 95 Ohio session laws, page 46:

An act entitled "An act to authorize and provide for official stenographers in certain subdivisions of certain judicial districts," passed April 25, 1891, 88 Ohio laws, page 403:

An act entitled "An act to provide for the salary of the official stenographer for certain counties therein described," passed April 16, 1900, 94 Ohio laws, page 720:

An act entitled, "An act to provide for an official stenographer for the counties of Allen and Shelby in the first

Repeals.

subdivision of the third judicial district of Ohio," passed March 8, 1893, 90 Ohio laws general, page 69:

An act entitled "An act to provide for an official stenographer for the county of Ashland," passed February 20, 1900, 94 Ohio laws, 427:

An act entitled "An act to provide for an official stenographer for the county of Athens, Ohio," passed April 29, 1902, 95 Ohio laws, 844:

An act entitled "An act to provide for an official stenographer for the counties of Auglaize, Mercer and Van Wert in the first subdivision of the third judicial district of Ohio," passed February 15, 1893, 90 Ohio laws general, 44:

An act entitled "An act to provide an official stenographer for certain counties," passed February 6, 1902, 95 Ohio laws, 664:

An act entitled "An act to provide an official stenographer for certain counties therein described," passed March 24, 1890, 87 Ohio laws, 92:

An act entitled "An act supplemental to section 1 of an act entitled 'An act to amend section 1 of an act entitled: "An act to provide an official stenographer for certain counties therein described," passed March 24, 1891," passed March 8, 1893, 90 Ohio laws, general, 68:

An act entitled "An act to provide an official stenographer for the counties of Greene, Warren and Clermont," passed April 4, 1902, 95 Ohio Laws, 747:

An act entitled "An act to provide for the salary and fees of official stenographers for certain counties therein described," passed March 30, 1898, 93 Ohio laws, 518:

An act entitled "An act to provide an official stenographer for certain counties therein named," passed March 27, 1894, 91 Ohio laws, 566:

An act entitled "An act to provide an official stenographer for Erie county, to amend section 1 of an act entitled 'An act to provide an official stenographer for certain counties therein named,' passed March 27, 1894, passed April 25, 1898, 93 Ohio laws, 676:

An act entitled "An act to provide for an official stenographer for the third subdivision of the third judicial district of Ohio," passed May 21, 1894, 91 Ohio laws, 387:

An act entitled "An act to provide for an official stenographer for the county of Gallia," passed March 21, 1898, 93 Ohio laws, 476:

An act entitled "An act to provide an official stenographer for Guernsey county," passed March 14, 1902, 95 O. L., 700:

An act entitled "An act to provide for an official stenographer for Hancock county, Ohio," passed March 11, 1898, 93 Ohio laws, 450:

An act entitled "An act to amend an act entitled 'An act to amend an act passed April 13, 1894, entitled: An act to provide an official stenographer for the counties of Jefferson and Harrison in the third subdivision of the eighth judicial district, passed April 14, 1900, (O. L. 94, pp. 606, 607, 608)" passed May 9, 1902, 95 Ohio laws, 910:

An act entitled "An act to amend an act to provide an official stenographer for Huron county, Ohio, passed March 20, 1894, (91 O. L. 534)," passed April 25, 1902, 95 Ohio laws, 815: Repeals.

An act entitled "An act to provide for an official stenographer for Jackson county, Ohio," passed March 9, 1900, 94 Ohio laws, 442:

An act entitled "An act to provide an official stenographer for certain counties therein described," passed April 23, 1891, 88 Ohio laws, 360:

An act entitled "An act to provide an official stenographer for certain counties therein described," passed April 8, 1898, 93 Ohio Laws, 535:

An act entitled "An act to amend an act entitled 'An act to provide for the salary and fees of the official stenographer for certain counties therein described,' passed March 28, 1894," passed April 4, 1900, 94 Ohio laws, 515:

An act entitled "An act to provide for an official stenographer for the county of Monroe," passed April 14, 1900, 94 Ohio laws, 611:

An act entitled "An act to provide an official stenographer for the county of Muskingum, Ohio," passed March 31, 1902, 95 Ohio laws, 734:

An act entitled "An act to provide an official stenographer for the county of Ottawa," passed April 11, 1900, 94 Ohio laws, 554:

An act entitled "An act to provide for the salary of the official stenographer for certain counties therein described," passed March 30, 1898, 93 Ohio laws, 520:

An act entitled "An act to provide for an official stenographer for Pike county, Ohio," passed October 22, 1902, 96 Ohio laws, 109:

An act entitled "An act to provide for an official stenographer for the county of Preble in the second subdivision of the second judicial district," passed April 27, 1896, 92 Ohio laws, 653:

An act entitled "An act supplementary to section 475 of the Revised Statutes of Ohio to provide for official stenographers in the courts of certain counties of this state," passed April 10, 1894, 91 Ohio laws, 131:

An act entitled "An act to supplement section 475^b of the Revised Statutes of Ohio," passed April 13, 1900, 94 Ohio laws, 145:

An act entitled "An act to provide for an official stenographer for certain counties therein named," passed April 27, 1896, 92 Ohio laws, 672:

An act entitled "An act supplementary to section 475 of the Revised Statutes as amended April 13, 1888, to be sectionally numbered 475^a, and also supplementary to section 478 of the Revised Statutes, to be sectionally numbered 478^b," passed March 27, 1889, 86 Ohio Laws, 138:

An act entitled "An act to provide an official stenographer for certain counties therein described," passed April

Repeals.

6, 1893, 90 Ohio laws, general, 151:

An act entitled "An act to provide an official stenographer for certain counties therein described," passed May 2, 1894, 91 Ohio laws, 688:

An act entitled "An act to provide for an official stenographer and an assistant stenographer for certain counties therein contained," (named), passed April 21, 1898, 93 Ohio laws, 564 and all acts or parts of acts inconsistent with the provisions of this act.

An act entitled "An act to provide stenographer services in certain counties," passed April 29, 1902 (vol. 95, O. L., 828.)

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 20, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,

Governor.

141G

[House Bill No. 136.]

AN ACT

To amend section 3641c of the Revised Statutes of Ohio, relating to the giving of surety bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3641c of the Revised Statutes of Ohio as amended by the laws of 1896, be and it is hereby amended to read as follows:

Sec. 3641c. In all cases in which any bond, recognition or undertaking is now or hereafter may be required or permitted by law, or ordinance, or the head of any department of this state, or any division of government of [or] municipality thereof, with one or more sureties, the execution of the same or the guaranteeing thereof, as the case may be, as surety, shall be sufficient by a company or companies authorized by the laws of this state to guarantee the fidelity of persons holding places of public or private trust, to guarantee the performance of contracts other than insurance policies, and to execute and guarantee bonds and undertakings in actions or proceedings or by law allowed; and the execution or guaranteeing, as surety, of all bonds and undertakings for the faithful performance of official or fiduciary duties, or the faithful keeping, applying or accounting for funds or property, or for one or more of such purposes, excepting bonds of the superintendent of insurance and of notaries public, or of executors, administrators, guardians, trustees or other fiduciaries, whose bonds are fixed by the court at an amount not in excess of two thousand dollars is

Insurance
companies
other than
life:

Sufficiency of
bonds, etc.,
executed or
guaranteed
by companies.

All official or
fiduciaries'
bonds must be
guaranteed
by surety
company;
exception.

hereby required to be by such company or companies. But no such company shall qualify as surety upon any one bond or undertaking, herein required to be a corporate surety bond or undertaking, for more than twenty per cent. of its paid up capital. And any such bond, recognizance or undertaking when so executed and guaranteed, shall be in all respects, a full and complete compliance with every requirement of law, ordinance, rule or regulation that such bond, undertaking or recognizance shall be executed and guaranteed by one surety or two or more sureties, or that such sureties shall be residents or householders or freeholders; and any judge, court or officer, whose duty it is to pass upon the account of any assignee, trustee, receiver, guardian, executor, administrator or other fiduciary, required by law to give bond or undertaking as such, and whenever any such assignee, receiver, trustee, guardian, executor, administrator or other fiduciary, has given bond or undertaking with a surety company or companies as surety or sureties thereon, as herein provided, shall allow, in the settlement of the account of such assignee, receiver, trustee, guardian, executor, administrator or other fiduciary a reasonable premium, subject to the limitations hereinafter provided, paid to any such company or companies for becoming his surety on such bond or undertaking; in all other cases, where by the foregoing provisions of this act a corporate surety or guarantor is required, the premium to be paid to any such company or companies for becoming such surety or guarantor shall be paid out of the general funds of the divisions of government by or for which the person giving such bond or undertaking was appointed or elected; provided, however, that the premium shall in no case exceed in the aggregate one-half of one per cent. per annum on the amount of such bond or undertaking, unless such bond or undertaking shall be in double the amount of the liability of the party principal therein, when such premium shall not exceed in the aggregate one-fourth of one per cent. per annum on the amount of such bond or undertaking, provided, also that such company or companies have complied and continue to comply with the laws of this state relative to such companies, and with such requirements as to justification, as may be prescribed by the head of the department, court, judge, or officer required to approve or accept the same.

Allowance for premium paid company.

How premium paid.

Amount of premium.

Provided, further, that if any person required to give any such bond or undertaking shall make affidavit that he has applied to any such company or companies, as the case may be, for such bond or undertaking, and that the same has been refused by such company or companies, or rejected, in accordance with the provisions hereof by the head of the department, court, judge, or officer required to approve or accept the same; upon filing such affidavit with such head of department, court, judge, or officer, such person may give such bond or undertaking with such personal surety or sureties and such justification of sureties as would be re-

When personal security bond may be given.

Surety company shall not require or receive collateral security.

quired by law except for the passage of this act; provided, further, that no surety company or companies executing bonds for public officials shall require or receive collateral or other security from the public officials for whom such bond or bonds are executed.

Repeals.

SECTION 2. That section 3641c of the Revised Statutes of Ohio as amended by the laws of 1896 be and it is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 20, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,
Governor.
142G

[House Bill No. 447.]

AN ACT

To further supplement section 1 of an act entitled "An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., etc., of the state, by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," passed March 28, 1888, and the several acts amendatory of and supplementary thereto.

Be it enacted by the General Assembly of the State of Ohio:

Board of public works; canals:

SECTION 1. That section 1 of an act entitled "An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., etc., of the state, by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals, passed March 28, 1888, and the several acts amendatory of and supplementary thereto, be further supplemented as follows:

Canal commissioners; appointment.

Powers and duties.

Term of office; vacancy.

Sec. 1. That the governor be and he is hereby authorized to appoint by and with the advice and consent of the senate, two canal commissioners, who shall complete, in the manner therein provided, the work of the canal commission prescribed by the statutes of Ohio, and for such purposes the canal commissioners created by this act shall exercise the powers and perform the duties conferred and imposed upon the canal commission, or any member thereof, by any existing law. The term of office of such canal commissioners shall be two years, unless sooner removed by the governor, who is authorized to fill any vacancy occurring in the office.

The said canal commissioners, after appointment, shall each take an oath of office and give bond in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties, and shall each receive the sum of fifteen hundred dollars per annum and necessary expenses in the prosecution of his duties, to be paid as a compensation and expense of the canal commission, of which such canal commissioners shall be the successors, as now required by law to be paid.

Oath, bond
and
compensation.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 22, 1904.

MYRON T. HERRICK,

Governor.

143G

[Senate Bill No. 173.]

AN ACT

To revise the laws of Ohio relating to the conduct of elections; to abolish city boards of elections in registration cities, and boards of deputy state supervisors of elections in certain counties; to create the offices of state supervisor and inspector of elections, and deputy state supervisor and inspector of elections; and to amend, repeal and supplement certain laws and sections of the Revised Statutes of Ohio herein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That sections 83, 1368, 1369, 1371, 1388, 1445, 1448, 1451, 1453, 1455, 1465, 1476, 1479, 1504, 1608, 1728, 1729, 2837, 2923, 2926, 2926a, 2926b, 2926c, 2926d, 2926e, 2926f, 2926g, 2926h, 2926i, 2926j, 2926k, 2926l, 2926m, 2926n, 2926o, 2926p, 2926q, 2926r, 2926s, 2926t, 2926u, 2926v, 2926w, 2928, 2929, 2938 and 2950 of the Revised Statutes be amendeded to read as follows:

Conduct of
elections:

Sec. 83. Each judge of the supreme court, circuit court, court of common pleas and probate court, state officer, county officer, militia officer and justice of the peace, and each officer whose office is created by law, and not otherwise provided for, shall be ineligible to perform any of the duties pertaining to such office until he shall receive from the governor a commission to fill such office, upon producing to the proper officer or authority a legal certificate of his being duly elected or appointed; and each of the officers above named, except militia officers and notaries public, who receives for the discharge of his official duties any fee, compensation or salary shall, before he shall be entitled to receive such commission pay to the secretary of state for the making out, recording and forwarding thereof a fee of five dollars, excepting each jus-

Commissions
and certificates
of election
of officers.

Fees.

tice of the peace, who shall pay two dollars; and as soon after any election for any of the offices above named as the result shall have become officially known to them, the deputy state supervisors of election of each county in this state shall, upon payment to them by each such officer of the fee above described, immediately forward by mail to the secretary of state a certificate of election of each such office, together with the fee paid to them by such officer, which fee shall be covered into the state treasury for the use of the general revenue fund, and thereupon the governor, upon the filing of such certificate with the secretary of state, accompanied with the fee aforesaid, shall issue the proper commission to such officer and forward the same to the clerk of the court of common pleas, who shall deliver the same to such officer.

Original surveyed townships: Conduct of elections in.

Powers of trustees.

Term of office of trustees and treasurer; when county auditor may appoint.

When county auditor may appoint trustees or treasurer.

When election may be held to fill vacancy.

Sec. 1368. Elections in such original surveyed townships, shall be held at such times and conducted in such manner as the trustees of such townships may provide, the place of holding said election to be as near the center of the township as can be, and at least fifteen days' notice of such election to be given by notices posted in five or more of the public places of the original surveyed township, and the trustees of such township shall be a body corporate, with power to contract and be contracted with, sue and be sued, and to take charge of such section or sections, or parts of section or sections, and to manage the same according to the best interests thereof.

Sec. 1369. The trustees and treasurer shall hold their offices for three years, and a like election shall be held every third year, of which the trustees shall give fifteen days' previous notice as aforesaid. If said trustees shall at any time fail to give said fifteen days' notice, then the county auditor shall appoint from among the electors of such township three trustees and one treasurer, who shall hold their offices for the same term and perform the same duties and have the same powers as if elected as aforesaid.

Sec. 1371. When it comes to the knowledge of the county auditor that the electors of any such township have failed to apply to the commissioners as aforesaid, for one year after such application is authorized, or that in any such township the trustees and treasurer elected have failed to qualify or to perform the duties incumbent upon them, the auditor shall appoint from among the electors of such township three trustees and one treasurer, who shall hold their offices for the same term and perform the same duties, and have the same powers as if elected as aforesaid. And in case the term of office of such trustees and treasurer have expired, and no successors have been elected or appointed, as by this chapter provided, an election may be ordered, as provided in section thirteen hundred and sixty-seven. In case such application is made, the commissioners of the county in which said reserved section, or part thereof, is substituted, shall order an election, designating the time and

place of holding the same. Said election shall be held at such times and conducted in such manner as said commissioners may provide.

Sec. 1388. Each civil township shall be a single election precinct, unless divided into two or more precincts, or occupied, in whole or in part, by a municipal corporation.

Civil townships:
Election precincts.

Sec. 1445. At least twenty days before the annual election, the trustees shall issue their warrant to a constable of the township, directing him to notify the electors of such township to assemble at the time and place appointed for the annual election, and said warrant shall enumerate the officers to be chosen at such election; and, on application of two or more freeholders of the township, for that purpose, the trustees shall insert in said warrant such other business, matter or thing, as may be proposed to be submitted at said township election.

Notice of township election.

Sec. 1448. There shall be elected in each township one township clerk, one trustee, one township treasurer and such number of constables as may be directed by the trustees, and one supervisor of roads by the electors of each road district, and one assessor for the township, or if the township is divided into two or more election precincts, then for each precinct in which such election is held; and the judges and clerks in discharging their duties in said election shall be governed in all respects by the law regulating elections, but it shall not be necessary to send a poll-book to the clerk of the court of common pleas of the proper county; and in case any two or more persons have the highest and an equal number of votes for any one of the township offices directed to be filled, the clerk and judges of the election shall determine by lot which of the persons is duly elected; and the officers so elected shall hold their respective offices for the following terms, and until their successors are elected and qualified: Supervisors of roads and assessors, one year; township clerk and treasurer, two years; and constables, three years; and trustees, three years; provided, that at the first annual election of any new township there shall be elected three trustees, the one receiving the highest number of votes to serve three years; the one receiving the next highest number of votes to serve two years, and the one receiving the next highest number of votes to serve one year; should any two or more of those elected receive the same number of votes, they, at the first meeting of the board after their election, shall determine by lot the term for which each of them receiving an equal number of votes shall respectively hold the office; and provided, further, that at the next annual election after the passage of this act, and at the first election of any new township, a treasurer shall be elected for one year and a clerk for two years, and thereafter a township treasurer and clerk shall not be elected at the same annual election.

Election of township officers.

Assessors.

Laws governing judges and clerks.

Tie vote.

Terms of office.

Trustees of new township.

Tie vote.

Treasurer and clerk.

Sec. 1451. If, by reason of nonacceptance, death, or removal of a person chosen to any office in any township,

Vacancy in township office, trustees shall fill.

except trustee, at the annual election aforesaid, or upon the removal of the assessor from the precinct or township for which he has been elected, or there is a vacancy from any other cause, the trustees shall appoint a person having the qualifications of an elector to fill such vacancy; provided, in case of a vacancy in the office of the clerk or treasurer, such appointee shall hold until his successor shall be elected as provided in section 1448.

Notice to township officers elected or appointed to appear and qualify.

Sec. 1453. The township clerk shall forthwith, after the election or appointment of township officers, make out a list of all the officers elected or appointed, stating the offices to which they are respectively chosen or appointed, and add thereto a requisition that they severally appear before him, or some other officer authorized to administer oaths, and take the oath of office and give bond (if required by law to give bond) as provided by law; and the said clerk shall forthwith make service of such list and requisition by delivering to each person so elected or appointed a copy thereof, or such list may be delivered to any constable of said township, who shall make service of the same as required aforesaid, and said list and requisition, with the time and manner of service thereon, shall be returned and filed in the office of said clerk.

Service of such notice.

What shall be deemed a declination of a township office.

Sec. 1455. If a person elected or appointed to a township office after receiving notice of his election or appointment, fail to take the oath of office, and, if bond is required of such officer, give bond, within the time required by law, he shall be deemed to have declined to accept, and the vacancy shall be filled as in other cases.

Township cemeteries.

Sec. 1465. To defray the expenses of such purchase or appropriation, and of the inclosing and improving of such lands, the trustees may levy for one or more years a tax sufficient for that purpose, not exceeding two thousand dollars in any one year, and also each year thereafter such sum as may be necessary for the needful care, supervision, repair, and improvement of such cemeteries; but before any such purchase or appropriation is made or conveyance accepted, the question of a cemetery or no cemetery shall be submitted to a vote of the electors of the township at the regular annual election, which vote shall be taken on the order of the trustees, or the written application of any six electors of the township, specifying as near as may be the proposed location of such cemetery or cemeteries, and the estimated cost thereof, including inclosing and improving the same; on the making of which order or the filing of said application, the clerk shall give notice at least twenty days before said election that the vote will be taken, by posting up written notices in at least three public places in the township, and the electors who favor the proposition shall put on their ballots for township offices the word "Cemetery"; and if a majority of all the votes given at such election is in favor of the proposition, the trustees shall procure the lands for that purpose and levy taxes as aforesaid.

Question of cemetery or no cemetery shall be submitted to vote.

Sec. 1476. The trustees of any township, on the petition of twenty electors thereof, shall upon four weeks' public notice, published in some paper of general circulation in the county, submit to the electors of such township, at some general election in November, the question whether there shall be a public library established in such township for the use and benefit of the citizens thereof, and those voting at such election in favor of such library, shall put upon their ballots the words "Public library—yes," and those voting thereat against such library, the words, "Public library—no;" and if a majority of the electors voting at such election vote in favor thereof, the trustees aforesaid have authority, annually, to levy upon all the taxable property of such township a tax not exceeding one mill on the dollar valuation thereof, to be applied to the establishment and maintenance of a library, as aforesaid, and the procuring of a suitable room or rooms for the same.

Question of township library shall be submitted to electors.

Sec. 1479. In any township in which a town hall, or the removal, improvement, or enlarging of a town hall, costing more than is heretofore provided in this chapter, is desired, the trustees may submit the question to the electors, and for this purpose shall cause the clerk to give notice thereof, and of the estimated cost, by written notices, posted up at not less than three public places within the township, at least ten days before the election, and at such election the electors in favor of such hall, removal, improvement or enlargement shall put on their ballots "Town hall—yes," and those opposed "Town hall—no;" and if a majority of all the ballots cast at the election are in the affirmative, the trustees shall levy the necessary tax, but not in any year exceeding four mills on the dollar valuation, and such tax shall not be levied under such vote for more than seven years; and the trustees may, in anticipation of the collection of taxes, borrow money and issue bonds therefor, bearing interest not exceeding seven per centum, payable annually, for the whole or any part of the amount required.

Question of more expensive hall shall be submitted to electors.

Sec. 1504. He shall, immediately after the township officers have made their annual settlement of accounts, make out and enter in the record in which the proceedings of the trustees are recorded, a detailed statement of all the receipts and the expenditures of the township for the preceding year, if any, and also the receipts and expenditures of the township board of education, stating from what source the moneys were received, and to whom paid, and for what expended, and a detailed statement of all liabilities, if any, a copy of which statement he shall post up on the morning of the first Tuesday after the first Monday in November, annually, at each place of holding township elections in such township. Any township clerk refusing or neglecting to make out, enter and publish said detailed statement, shall be liable to a fine of not more than thirty dollars nor less than twenty-five dollars, recoverable before any justice of the peace of the township, and to be paid into the school fund of the township.

Township clerk shall make detailed statement of receipts and expenditures.

Liable to a fine upon failure to perform duty.

Annexation of one municipality to another; ordinance for purpose.

Sec. 1608. The submission shall be by ordinances adopted by the trustees or council of each corporation at least thirty days prior to an annual election, at which election the vote shall be taken, and the ordinances shall each prescribe the manner in which such submission shall be made, and they shall be published in each corporation, by posters or otherwise, in such manner as the respective trustees or councils may deem most expedient, for the period of at least twenty days prior to the day fixed for such election.

Municipal corporations: Election returns; when opened.

Sec. 1728. Returns of municipal elections in corporations which are divided into election districts or wards, shall be made to the clerk or auditor of the corporation, and be opened by him within the time prescribed for the opening of the returns of county elections.

Abstract of votes.

Sec. 1729. The clerk or auditor, or in his absence or disability, some person to be selected by the council, shall call to his assistance the mayor, and in his presence, make an abstract and ascertain the candidates elected, as required by law with respect to county officers; and he shall, in like manner, make a certificate as to each candidate so elected, and cause the same to be delivered to him, or left at his usual place of abode; provided, that if there is no mayor, or the mayor is absent or disabled, or a candidate at such election, the clerk shall call to his assistance a justice of the peace of the county.

Township and municipal bonds; procedure when question of bond issue must be submitted to vote.

Sec. 2837. Before any bonds in excess of the said one per cent. in any one year or in excess of the said four per cent. in the aggregate are issued or tax levied, as provided in sections 2835 and 2836, Revised Statutes, the question of issuing the same shall be submitted to the voters of the township, hamlet, or municipal corporation at a general or special election. And whenever the trustees of any township or hamlet or the council of any municipal corporation shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, declare it necessary to issue and sell the bonds of such township, hamlet or municipal corporation as the case may be, for any or either of the purposes mentioned in section 2835 of the Revised Statutes in excess of the amounts therein authorized, and shall by such resolution or ordinance fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of such township, hamlet or municipality, and shall cause a copy of such resolution or ordinance to be certified to the deputy state supervisors of the county in which such township, hamlet, or municipal corporation is situated, and such deputy state supervisors shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of any such township, hamlet or municipal corporation at the time fixed in said resolution. Such election shall be held at the regular place or places of voting in such township, hamlet or municipality, and shall be conducted,

canvassed and certified in the same manner, except as otherwise provided by law, as November elections in such township, hamlet, or municipal corporation for the election of officers thereof; provided, however, that when a special election for such purposes is held in a municipal corporation divided into wards there may be but one voting place in each ward, which shall be designated by the deputy state supervisors of elections and the notice hereinafter provided for shall designate the voting places in each ward. In all cities in which registration is required if but one voting place is designated in each ward, certificates of removal shall not be necessary except when transfers are required from one ward to another, and the deputy state supervisors of all such cities shall issue all such removal certificates. Thirty days' notice of the submission shall be given in one or more papers printed therein once a week for four consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if no newspaper is printed therein the notice shall be posted in a conspicuous place and published once a week for four consecutive weeks in some newspaper of general circulation in the township, hamlet or municipal corporation; and if two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then and not otherwise the bonds for such excess shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots in quotation, "For the issue of bonds"; and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds." Provided, however, that no township, hamlet, or municipal corporation shall hereafter create or assume an aggregate indebtedness of outstanding and unpaid bonds under the authority of this act in excess of eight per cent. of the total value of all property in such township, hamlet, or municipal corporation, as listed and assessed for taxation. Provided, further, that in cases where the trustees of any township or hamlet have, or the council of any city, village, or other municipal corporation, has heretofore passed a resolution or ordinance declaring it necessary to issue and sell bonds of such township, hamlet or municipal corporation, for any of the purposes authorized by law, the provisions of this act limiting the aggregate amount of bonds to be issued shall not be construed to apply to the bonds provided for in such resolution or ordinance.

Sec. 2923. Each township, exclusive of the territory embraced within the limits of a municipal corporation shall compose an election precinct, unless such township is divided, according to law, into precincts. Each municipal corporation containing fifty or more voters shall also compose an election precinct, unless such corporation is divided, according to law, into precincts; but if such municipal corporation is situated in two or more townships, the territory of such

Election precincts; how composed.

Where elections to be held.

Exception.

Election precincts in cities in which registration is required.

Registration: Registration required of voters in cities having a population of fourteen thousand or more.

Office of member of city board of elections abolished; powers and duties thereof conferred on board of deputy state supervisors and inspectors of elections or board of deputy state supervisors of the county.

corporation situated in each township shall constitute at least one election precinct if there are fifty or more voters therein. Each ward of every city shall compose one election precinct, unless such ward is divided, according to law, into precincts. Elections shall be held for every township precinct at such place within the township as the trustees thereof shall determine to be most convenient of access for the voters of such precinct, and for each municipal or ward precinct, at such place as the council of the corporation shall designate. Provided that in registration cities, the deputy state supervisors of elections shall designate such place of holding elections in each precinct.

Sec. 2926. In cities in which registration is required as hereinafter provided when five hundred votes or more have been cast at the last preceding election in any ward, or in any precinct in any ward, such ward or election precinct shall be divided by the board of deputy state supervisors of elections of the county, hereinafter provided for, into two or more election precincts, so as to limit the number of votes in each ward or precinct to two hundred and fifty, as nearly as may be practicable. And from time to time thereafter the said board shall rearrange, subdivide or combine precincts, as often as it may deem such action necessary to secure the convenience of electors and the prompt and correct conduct of elections; but no such precinct hereafter created shall contain less than two hundred voters.

Sec. 2926a. In all cities which at the last preceding federal census had, or which at any subsequent federal census may have a population of fourteen thousand or more, there shall be a general registration of electors in the several wards or precincts thereof, in the manner and at the times, and on the days hereinafter provided; no person shall be deemed or held to have acquired a legal residence in any ward or election precinct in any such city, for the purpose of voting therein at any election, general or special, nor shall he be admitted to vote at any election therein, unless he shall have caused himself to be registered as an elector in such ward or precinct in the manner and at the time hereinafter required.

Sec. 2926b. The office of member of city boards of elections and the city board of elections in registration cities, and the office of secretary of such boards are hereby abolished; and in all counties which contain a city wherein annual general registration of electors is required by this act, all the powers and duties heretofore exercised by city boards of elections, and the secretary thereof, in so far as consistent with the provisions of this act, and other existing laws, shall be exercised by the board of deputy state supervisors and inspectors of elections of such county, and the clerk thereof respectively; and in all other cases such powers and duties shall be exercised by the board of deputy state supervisors of the county in which such city is situated, and the clerk thereof respectively.

And the office of deputy state supervisor of elections, and the board of deputy state supervisors of elections, and the office of clerk of such board, are hereby abolished in every county which contains a city wherein annual general registration of electors is required by this act; and all the powers and duties heretofore exercised by the board of deputy state supervisors of elections and the clerk thereof in such counties, in so far as consistent with the provisions of this act, and other existing laws, shall be exercised by the board of deputy state supervisors and inspectors of elections of each such county, hereinafter provided for, and the clerk thereof respectively. Provided, however, that said city boards of election, and boards of deputy state supervisors of elections, and the clerks thereof, shall continue to exercise the powers and duties of their offices under existing laws and receive compensation therefor, until the deputy state supervisors and inspectors herein provided for have been appointed as provided herein. The clerk of the board shall, subject to the control of the board keep a full and true record of their proceedings, file and preserve in their office all orders, rules and regulations in anywise pertaining to the administration of registration and elections; prepare and furnish, under the orders of such board, all the registers, lists, books, maps, forms, oaths, certificates, instructions and blanks, for the use and guidance of registrars, judges and clerks of elections, and the board of canvassers; provide for timely furnishing of such officers therewith, and with all the necessary supplies provided for them; to receive and keep close custody of all the registers and copies returned to such office as provided herein, and of all records, papers and certificates of every kind relating to the office or administration of such board; he shall also have the care of the ballot-boxes while deposited at the office of such board; and he shall perform all such other or further duties, pertaining to such office and affairs as shall be prescribed by such board. The board of deputy state supervisors shall have a sufficient and suitable office and rooms for the purpose herein required which shall be in charge of their clerk, and in cities in which annual general registration is required shall be kept open daily, except Sundays and legal holidays, and in other registration cities at such time as the board may require.

Office of member of board of deputy state supervisors of elections in counties containing cities in which annual general registration is required, abolished; powers and duties thereof conferred upon board of deputy state supervisors and inspectors of elections of such county.

Clerk: his duties.

Office of board.

Sec. 2926c. The members of the board of deputy state supervisors shall meet within fifteen days after their appointment, and organize by the election of a chief deputy and clerk as provided in section 4 of the supervisory election law, section (2966-4) of the Revised Statutes. No order, resolution or action of such board shall be valid without the vote of three of the four members. Such board shall appoint all registrars of electors, judges and clerks of election and other clerks, officers and agents herein provided for, and designate the ward and precinct in which each shall serve. All deputy clerks, assistants, registrars

Organization of such boards; general powers and duties.

and judges and clerks of election, now in office, in registration cities, shall remain in their respective offices and employments and continue to perform the several duties thereof and receive the compensation therefor, under existing laws, and under the direction and control of the board of deputy state supervisors, or the board of deputy state supervisors and inspectors, as the case may be, until their successors are chosen or appointed and qualified or until removed by the proper authority in accordance with the provisions of this act. The board of deputy state supervisors shall also appoint the places of registration of electors, and holding elections in each ward or precinct, and provide suitable booths or hire suitable rooms for such purpose and for their own office, at such rents as they deem just; they shall also provide the necessary and proper furniture and supplies for such rooms, and for the purchase, preservation and repair of all booths and ballot-boxes, necessary for use at elections in such city, and all books, blanks, and forms necessary for the registrations and elections herein designated, and for duly issuing all notices, advertisements or publications required by law. The board of deputy state supervisors of elections or the board of deputy state supervisors and inspectors of elections, as the case may be, of counties containing registration cities and the clerk thereof shall, upon the taking effect of this act, have the custody, care and control of all registers, lists, books, maps, forms, oaths, certificates, blanks, booths, and ballot-boxes, and all other property and supplies heretofore under the custody and control of the city boards of elections and the secretary thereof.

Rules and regulations.

The board may, from time to time, make and issue all such rules, regulations and instructions, not inconsistent with law, as they shall deem necessary for governing and guiding their clerk and his deputy or assistants, and the registrars of electors and judges, and clerks of elections, or other persons under their control in the proper discharge of their respective offices and duties. They shall divide, define and proclaim the election precincts of such city, authorized in section two thousand nine hundred and twenty-six, and the boundaries thereof, and provide for furnishing to each registrar of electors and judges of elections a map and pertinent description of such divisions and boundaries, and of any changes which from time to time are made by them.

Election precincts.

Deputy clerk and assistants; salaries.

When necessary, they may employ a deputy clerk and one or more clerks as temporary assistants of their clerk, at a salary not to exceed the rate of one hundred dollars per month, and prescribe their duties. The period for which they are employed must always be fixed in the order authorizing their employment, but they may be discharged sooner at the pleasure of the board. Such deputy clerk and all such assistants shall take the same oath for the faithful performance of their duties as required of the clerk of said board.

Sec. 2926d. The cost and charge of the salaries of members of such board of deputy state supervisors in any such city, and of the clerk and his deputy and assistants, and all necessary expenses of the board for the purposes herein authorized, and the lawful compensation of all registrars of electors, in such cities, appointed by such board and the necessary cost of the registers or other books, blanks, forms, stationery and supplies to be provided by said board for the purposes herein authorized, including poll-books for special elections and the cost of the rent, furnishing and supplies of all rooms hired by the said board for their offices and as places for the registration of electors and holding of elections in such cities shall be borne and paid, by any such city out of its general fund, upon vouchers of such board certified by its chief deputy and clerk, specifying in every voucher the actual services, items of supplies, and prices and rates in detail, which shall be allowed by the city auditor, and upon his warrant paid by the city treasurer of any such city.

Salaries and expenses; how paid.

Sec. 2926e. On or before the first day of September, annually, the board of deputy state supervisors shall appoint for each and every election precinct, in any such city, two electors of such city to act as registrars of the electors, and also as judges of election in such precinct. And on or before the first day of October, annually, the said board shall appoint two additional judges of elections and two clerks of elections for each and every precinct in any such city. Such registrars, judges and clerks of elections shall each hold their appointment for one year, unless sooner removed by the board and must be electors of any such city, and able to read and speak the English language understandingly and write it readily and fairly, and each shall take an oath of office, as follows:

Appointment of registrars.

Term.

Qualifications.
Oath.

State of Ohio, _____ County, ss:

I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and to the best of my ability discharge the duties of judge (registrar or clerk) of the election in and for precinct, ward, city of, at the next ensuing election.

Signed,

[Title of officer.]

Such oath may be administered by the clerk or any member of such board, and shall be filed in the office of such board. All persons selected by said board for any of said appointments shall appear before said board at their office after twenty-four hours' notice, either served personally or left at their usual place of residence for examination as to their qualifications before being appointed; any elector of such city so selected who shall fail to appear before said board as required by law, or any elector of such city so appointed to act as registrar, judge or clerk of elections therein, who shall refuse or neglect to take and subscribe the oath of office, unless excused by said board, or any registrar, who

Appearance for examination.

Failure to appear.

Refusal to take oath.

Failure of registrar to perform duties.

Damage or destruction of registers; penalty.

Equal representation of political parties.

Vacancies and removals.

Substituted judges and clerks.

Notice of appointment of substitutes.

Certificates of appointment as registrars, judges and clerks.

shall, after being duly appointed, fail to be at the place designated for registration in his precinct during the hours set for the registration of electors, or who shall fail to deposit the registers at the office of the board of deputy state supervisors in accordance with the provisions of section 2926i of the Revised Statutes, or who shall fail to post the printed lists as required by section 2926l of the Revised Statutes, or any person who shall wilfully mar, damage or destroy any registers or portion thereof, shall be fined not more than one hundred dollars nor less than twenty-five dollars, or be imprisoned in the county jail not more than fifteen days, or both, in the discretion of the court. Neither the two registrars for any precinct, nor the two clerks of election, shall be of the same political party. Nor shall more than two of the four judges of election for any precinct be of the same political party. Appointments of such officers for every precinct shall be made so as in good faith to secure equal representation of political parties, if practicable. Any vacancy in the office of registrar, or of a judge or clerk of elections, shall be filled by said board of deputy state supervisors, and either or any of such officers may be summarily removed from office by such board at any time for neglect of duty, malfeasance or misconduct therein. And in all cases the last appointment to either of such offices for any precinct shall be recognized as valid. If any clerk of elections fails to attend at the opening of the polls on the day of any election, or shall during the election, by any cause become disabled or unfit to act in entering, enumerating or certifying the ballots, the judges of election, or a majority of them, may summarily remove him, and the two judges of the same political party as such clerk shall forthwith appoint another competent elector of any such city to act in his place, and administer to him the oath of office above prescribed; if any judge of election fails to attend at the opening of the polls on the day of election, or for any cause, by decision of the other three judges, shall become disabled or unfit to act in receiving and enumerating the ballots and certifying the result of the election, the other judge of the same political party shall at once appoint another competent elector of any such city to act in his place, and administer to him the oath of office above prescribed. Provided, that notice of such appointment of judge or clerk be immediately sent by the judge making such appointment to the board of deputy state supervisors, and such person so appointed shall not perform any of the duties of his office until the notice has been sent to the board. The person so appointed to act temporarily as judge or clerk shall perform the duties of the office after the sending of said notice, until the board shall confirm said appointment or appoint another for said office. Whoever shall be appointed as registrar, judge, or clerk of elections by the board of deputy state supervisors, shall receive from the board a certificate of appointment, which may be revoked at any time by the

board; said certificate to be in such form as may be prescribed by the board, and to specify the precinct and ward of the city in and for which the person to whom the same is issued is appointed to serve, the date of appointment, and the expiration of his term of office. Registrars, judges and clerks of election during the time they hold such certificate of appointment, and as such officers shall be exempt from the performance of military and jury duty. And immediately upon such a removal of a clerk or judge, and filling the vacancy as above provided for, a brief note of the proceedings shall be entered in the poll-books and subscribed by the judges so acting, and specially stating the cause of such removal.

Exemption
from performance of military duty.

Minute of removal.

Sec. 2926f. All registrars of electors and judges of elections, while exercising their office under this or any other law regulating elections, shall have full power and authority, and are hereby required to enforce the peace and good order and obedience to their lawful commands for such ends at and about the places of registration and of holding elections. They shall especially keep the access of electors to the polls open and unobstructed, prevent and suppress all riot, violence, tumult and disorder, and also any and all improper practices or attempts tending to obstruct or intimidate electors from a free exercise of their free right to vote, or tending to disturb or interfere with the free and peaceful registration of electors, or counting and certifying the result of an election. They shall also protect the clerks of an election and the witnesses and the challengers designated to attend the election as herein provided for, from any violence, interference or molestation during the receiving and enumeration of ballots. And they shall at all hazards be bound to preserve and secure the registers, poll-books, ballot-boxes and ballots at every election from violence, fraud or tampering. To enforce the provisions of this section, the officer or authority having command of the police force of any such city, shall promptly, on the requisition of such board of deputy state supervisors, detail for service at the polling place in any precinct of such city, such force as such board may deem necessary, and on every day of elections shall have a special force in readiness for any emergency. During the receiving and counting of the ballots or registering of electors, no person shall congregate or loiter within one hundred feet of the polling place of any election or place of registration of electors, or in any manner hinder or delay any elector in reaching or leaving the place fixed for registration or casting his ballot, or within such distance of one hundred feet to give or tender or exhibit any ballot or ticket to any person other than a judge of election, or to exhibit any ticket or ballot which he intends to cast, or solicit or in any attempt to influence any elector in casting his vote. In the discharge of their duties, the judges of elections may, if necessary, appoint and require any elector or electors to

Powers and duties of registrars and judges and peace officers.

Preventing violence and disorder, etc.

Guarding registration and count.

Protecting clerks, witnesses and challengers,

Securing registers, poll-books, ballots, etc.

Duty of police.

Loitering near polls.

Hindering electors.

Soliciting votes, etc.

Power to secure assistance.

To order
arrests.

Who shall obey
and aid them.

Penalty for
refusal.

Duplicate list
of electors to
be furnished
registrars; ex-
ception.

Registers of
electors; how
printed.

aid them in making known their orders or directions and in enforcing the peace. The judges of election, or any of them, or any registrar, may order the arrest of any person violating this section, but such arrest shall not prevent such person from voting or registering if he is entitled to do so. The sheriff and all constables, policemen and officers of the peace, and all bystanders at any election, shall immediately obey and aid in enforcing any and every lawful order made by the judges at any election in execution of the provisions of this section. Any person wilfully refusing or neglecting to perform any of the duties by this section prescribed, shall be fined not less than twenty dollars nor more than one thousand dollars, or imprisoned in the county jail not less than thirty days nor more than one year, or both.

Sec. 2926g. On or before the first day of September annually, the clerk, under the direction of the board of deputy state supervisors shall, in any city in which quadrennial general registration is required as provided in section 2926h prepare and furnish to the registrars so appointed for each precinct in any such city, duplicate lists of all electors so registered in such precincts at the last general registration, together with such new and additional ones as may have registered at any election subsequent to the such general registration, with sufficient blank space for new electors to be registered therein, excepting every fourth year, when a general registration is required, as provided in section 2926h. And the board shall, on or before the first day of September annually in cities in which yearly general registration is required, procure and have at their office, duplicate books for each and every election precinct, in any such city for the registration of electors therein, and which shall be styled and known as "registers of electors." Each register shall contain space and ruled lines for at least seven hundred names, and be arranged and ruled in parallel columns, with printed heading, in the following order: Number (consecutively), full name, age, term of residence, nativity, how long resident in precinct, in state, when naturalized, court, married or single, date of registration, sworn, signature, remarks; and the rulings and headings of each page of the register shall be according to the following diagram enlarged:

Duty of registrars.

And it shall be the duty of the registrars of each and every precinct in any such city to apply, on Wednesday in the fourth week before the November election, annually, for the lists and registers aforesaid, and the map of their precinct, and such printed instructions for the discharge of their duties as may be lawfully prescribed by such board.

Days for registration.

Sec. 2926h. The days for the general registration of electors in cities wherein annual general registration is required, and for the quadrennial general registration and the yearly registration of new electors in cities wherein general registration is required only in presidential years, in the several precincts in every such city, shall be Thursday in the fourth week, Thursday in the third week, Friday and Saturday in the second week next before the day of the general election in November in each year. Between the first day of September and the day preceding the first of the days above prescribed for the general registration, and no longer, the clerk of the board of deputy state supervisors shall act as registering officer in the following cases only: Any person, resident of such city, who will be lawfully entitled to vote therein at the next succeeding election in November, may go before such clerk, at the office of such board, and on making and subscribing an oath or affirmation before him that he will necessarily and unavoidably be absent from such city on all the days appointed or allowed by this section for the general registration of electors by the registrars of the precinct in which he resides, specifying the same, and more than fifty miles distant therefrom, the clerk, if satisfied, shall thereupon file such affidavit and make registration of such person in the registers of such precinct, on compliance of such applicant with the foregoing requirements of this section for general registration, and his signature to the statement prescribed, and no further registry of such applicant shall be necessary; any elector of such city who is absent therefrom, and without the county in which it is situated, and more than fifty miles distant from such city, may appear before any judge or clerk of any court of record, or notary public, or, if in foreign country, before any minister, consul or vice consul of the United States, and make and subscribe an affidavit as to his residence, specifying in what ward and precinct he resides, and that he will be necessarily and unavoidably absent from such city on all the days allowed or appointed by this act for the general registration of electors by the registrars in such precinct, and answering and setting forth accurately each and all the matters herein required to be set forth in the register of electors, and forward such affidavit, duly authenticated as above, by mail, under an envelope addressed to the "clerk of the board of deputy state supervisors" of such city; if received by such clerk between the days above appointed for his acting as registrar, it shall entitle such applicant to be entered by the clerk in the proper register of such precinct; and in place of the signature of such elector, the word

When clerk to act as registering officer.

Registration by clerk of persons who will be necessarily absent during registration.

Application to clerk for registration by mail.

"affidavit" shall be inserted, and no further registry of such applicant shall be necessary; such affidavit and envelope shall be filed and preserved in such office; but no such affidavit shall be allowed by the clerk unless the officer before whom it is made shall certify that the affiant is personally known to him to be the person he represents himself to be, or proven so to be by a credible person known to him, and whose name and full address must be stated in such certificate. Any such affidavit of an absent elector which shall be received by such clerk on or after the first days herein appointed for general registration by the registrars, shall be transmitted by him immediately to the registrars of the proper precinct, and they shall be authorized to register the applicant as above directed, and shall preserve such affidavit; provided, that in any case where application for registration is thus made by affidavits forwarded by mail, if the clerk or registrars, as the case may be, are not satisfied that such applicant is a resident of the precinct so specified, or that he will be entitled to vote on the day of the next election, the word "challenged" shall be entered in the register opposite his name and in the column for "remarks," and such affidavit and envelope shall be transmitted to the judges of election; and such applicant, if he appear, shall be required to establish his residence and qualification before voting. On the day preceding the first of the days herein appointed for the general registration the clerk of the board of deputy state supervisors, shall, in each and every register in which he has entered any registration of electors, as in this section provided, close the same by drawing double lines across the page with ink, immediately below the last name registered by him, and add the words, "close of registration by the clerk," and shall thereunto subscribe his name and office.

In all cities which now or hereafter may have a population of one hundred thousand or more, when ascertained in the manner provided in Sec. 2926a, there shall be an annual general registration of all the electors therein, in the several wards and precincts, on the days and in the manner herein provided; in all cities, which now or hereafter may have a population of fourteen thousand and less than one hundred thousand, a general registration of all the electors therein shall only be had at each and every presidential election, at the times and upon the days hereinbefore specified; and at all other state, or other public elections, those electors who have been duly registered at such general registration as herein provided, and have not removed from the precinct in which they then registered at said general registration in any such city, shall not be required to register; but at such state, or other public elections, at the times hereinbefore provided for registration days, only those electors of any such city shall be required to register, as may be new electors, or who have moved into any precinct of any such city, since any general registration, and have not been

Affidavits.

**Transmittal
of affidavits
to registrars.**

**Entry of "chal-
lenged" on
registers.**

**Close of regis-
tration by
clerk.**

**General regis-
tration of
electors in
cities having
a population of
fourteen
thousand or
more.**

**Registration
of new electors
or electors
moving into
precinct.**

Removal
certificates.

Duties of
registrars.

Hours for
general regis-
tration.

Mode of regis-
tration.

Receipt of
application for
registration.

Oath in case
of challenge.

registered therein, excepting [that] at such public election other than presidential and state, such registration shall take place on Friday and Saturday in the second week before any such election. And if any elector removes from the precinct in which he has so registered into another precinct of the city in which he resides, he shall apply in person to the registrars of the precinct in which he has so registered for a "removal certificate," as provided by section 2926*k*. Within a sufficient time previous to any such state, or other public election, it shall be the duty of the registrars of each and every precinct in any such city to obtain the preceding register made by them from the board of deputy state supervisors, and attend at the place in such precinct appointed for the registration of electors at the time hereinbefore provided, and receive applications for registration by such qualified electors residing therein as are not already registered at the last preceding general registration; it shall further be the duty of such registrars to take all such preceding registers of their respective precincts, so required to be furnished them by section 2926*g* of this act, and make a thorough canvass thereof, for the purpose of ascertaining whether or not any of the electors so registered have removed or died, and shall make a report of their proceedings, carefully noting any and all changes found, together with such additional names of electors registered by them, to the board of deputy state supervisors.

Sec. 2926*i*. The registrars of electors appointed as herein provided shall, on each of the days appointed for the general registration of electors, meet at the place in each precinct provided by the board of deputy state supervisors for that purpose, and there remain in session from the hour of eight o'clock before noon, until the hour of two o'clock in the afternoon, and from four o'clock in the afternoon until nine o'clock in the evening of each and all the days so appointed for the purpose of registering the electors lawfully resident in such precinct. No person shall be registered as an elector of any such city at any time or place other than those which are in this act designated; and in making registration every applicant shall answer the inquiries made by the registrars; and the registrars having openly and publicly met at the place and time herein appointed, shall proceed as follows:

1. They shall receive the application for registration of all such male persons, resident in such precinct, as then are, or on the day of election which will next follow such application will be entitled to vote therein, and who shall personally come before them, and such only; the registrars may, and if the right of the applicant to be registered be challenged by any elector shall, administer the following oath, to-wit: "You do solemnly swear (or affirm) that you will truly and fully answer all such questions as shall be put to you touching your place of residence, name, age, place of birth, qualifications as an elector, and your right as such to be registered and vote under the laws of this state."

2. They shall then examine each applicant as to his residence and qualifications as an elector, and if not satisfied, or if any elector so demands, shall enter the word "challenged" under the column for "remarks." Unless otherwise herein directed, they shall then, in the presence of the applicant, enter in the registers his answers to their questions pertinent to the heading of each column, in their order. In entering his number, such number shall be filled up consecutively, leaving no blank, and in names they shall include his Christian name or names in full as well as his surname. In the column as to "residence," shall be stated the name of the street, avenue, alley, or way in which his dwelling is located, or access to the same usually had, and the number of the house, if it has one. If it has no number, a definite description by which it can easily be found, must in every such case be given and entered. If there be more houses than the one under the number so given, or if there be other families, tenants, or lodgers in that in which the applicant resides, he must specify in which house and on which floor, and whether front or rear of such house, he resides, and the number or location of his tenement. In the column as to age, the years and months must be stated, and if the applicant is not at the time twenty-one years of age or more, the words "not of age," must be inserted in the column of remarks. In the column as to "term of residence," the periods of years and months of his residence in the precinct and state must both be stated. In the column as to naturalization, the answer "yes," or "no," or "native" must be given and stated. If naturalized, the proper certificate or evidence must be produced. The column as to "date of registration" must be filled with the date on which the application was actually registered, and none other.

Examination
of applicant.

Entries in
registers.

3. After the answers of the applicants to the questions under the head of each and every column have been properly entered by the registrar in his presence, and not until then, he must enter his signature on the same line, and in both of the registers in the column "signatures." Signatures, when made by a mark, must be attested by at least one subscribing witness, who shall be an elector, and may be examined by the registrars under oath as to his knowledge of the person thus attested, and in such case noted by the registrars on the registers as "sworn" or "affirmed," as the case may be.

Signature of
applicant.

By mark.

4. Each of the registrars shall enter the statement of the applicants in the duplicate register kept by him, and both shall be signed by the applicant. At the close of each day's registration, the registrars shall compare their registers with each other, and correct any discrepancies in form before closing them for the day. The registrations for the day shall then be ruled off by double lines, to be drawn by the registrars across the page in ink, and immediately under the last name and statement so registered. And the registrars shall make a note in writing under such double line stating, "close of the first, second, etc., day's registration," and attest the

Comparison of
duplicate regis-
ters.

Close of day's
registration.

Attestation.

Registers;
where depos-
ited.

Registers;
where kept.

Voters re-
quired to
register.

Registration
of persons
disabled by
sickness, etc.

Certificates in
case of re-
moval or
mistake.

same by their signatures in both registers. The registers shall then be deposited by them at the end of each day at the office of the board of deputy state supervisors.

5. All registers, when not in the official use of the registrars, or the judges of the elections, shall at all times be deposited and locked up in the office of the board of deputy state supervisors of such city, subject to be produced for inspection at all proper times.

Sec. 2926j. Every male person who is a citizen of the United States, and a lawful resident of this state, and of any city wherein registration is required, and who is, or at the next ensuing election in such city will be entitled to vote therein, shall, on application, in the election precinct where he lawfully resides, and complying with the requirements herein, be registered as a resident and elector therein, but not otherwise. But no person shall be entitled to vote at any election in any such city unless he shall establish his residence by causing himself to be registered in the precinct where he shall claim to reside, in the manner and at the time required herein, nor shall any ballot be received by the judges at any election under any pretense whatever, unless the name of the person offering such ballot shall have been entered on both of the registers of the precinct in which he claims to vote, as herein provided. And it shall be the duty of every elector resident in any such city to see that his name has been so registered. But any elector in any such city who is prevented by sickness or physical disability from appearing before the registrars, at the place in his election precinct, on the days for general registration may apply to such registrars on either of said days by his affidavit, made before any judge or justice of the peace or notary public in such city; such affidavit shall contain a full and proper answer to each and every question under all the heads or columns required for registration, and shall be transmitted to such registrars by a credible person, who is an elector of such precinct, and personally cognizant of the sickness and disability of such applicant, and of the facts stated in such affidavit, and who shall be examined by such registrars, under oath, in the premises. And if satisfied that such applicant is a resident of such precinct, and that he is then, or on the day of the next election, will be, qualified to vote in such precinct, such registrars shall enter said applicant as registered, and in the column for signatures enter the word "affidavit," and transmit the affidavit, with the registers, to the judges of election, and such registration shall be sufficient.

Sec. 2926k. Any elector who, being the head of a family, and duly registered in the precinct where he then resided, shall remove into another precinct in the same city, or any elector, not the head of a family, duly registered in a precinct of a ward where he then resided, who shall remove into another precinct in the same ward, may, on any of the days of general registration, apply in person to the registrars of his previous precinct for a "removal certificate," and the

same shall be made and signed by them, certifying his said registration, with all its particulars, as shown on their registers, but adding his statement of the new residence and precinct to which he has removed. They shall then immediately cancel his registration on their registers by drawing double lines in ink through the same, and noting his "removal" and the ward and precinct to which he has removed in the column of "remarks," but such note must be subscribed by such applicant. And when by mistake a qualified elector has caused himself to be registered in a precinct which was not his place of residence, the registrars therein, on full and satisfactory proof that such error was committed by mistake, and without fraud or any unlawful intent, may, on his personal application and proof of his true residence, give him a similar certificate as in case of a removal, and cancel his registration in the same manner on their registers. And the certificates, in case of a removal or mistake, so granted, shall, if presented on any of the days for general registration, or between the hours of two-thirty and five-thirty o'clock on Monday, the day preceding the November election, to the registrars of the precinct where such person so certified lawfully resides, and proper proof thereof made to them, shall entitle such persons to be registered therein. But in all cases where registration is so granted upon certificates from the registrars of other precincts, or by order of the board of deputy state supervisors as hereinafter provided, such certificates or order must be retained by the registrars to whom it is presented, and filed by them in the office of the board of deputy state supervisors and preserved. But no such certificate or transfer shall be allowed or be of any validity unless certified and signed by both of the registrars of the precinct in which the registration was first made.

New registration.

Disposition of such certificates.

Transfers.

Annual registration lists.

Heading.

Certificate.

Sec. 29261. On Monday in the week preceding the November election, annually, the registrars of each and every election precinct shall make out and deliver to the board of deputy state supervisors in such city, at their office, a true list of the names of all the electors registered by them in their respective precincts, arranged in the alphabetical order of their surname, followed by their full Christian names and residences, and having the registry number of each prefixed. This list shall be under the following heading, namely: "List of electors registered in ward—, precinct—, of the city of—; on the— days of—, nineteen hundred and —, No. —, — name, — residence." And the following certificate shall be annexed at the end of the list and signed by both of the registrars of the several precincts, namely:

"We, the undersigned registrars of electors in ward —, precinct —, of the city of —, in the county of —, and state of Ohio, do certify that the foregoing list is a true and correct copy of the names, residences, and registry numbers on the registers of said precinct of all persons who have been registered by us as residents, and qualified electors in the said precinct, this — day of — in the year nineteen hundred

Posting of lists.	and ———." And it shall be the duty of the board of deputy state supervisors immediately to cause at least three copies of the list for each and every precinct in such city, respectively to be printed on broadside sheets of thick paper, and in plain type, two of which lists they shall cause to be securely posted up at the polling place in such precinct, three days or more before the November election annually, and also before every other election. The third copy from each precinct shall be retained by the board of deputy state supervisors and annually bound together in a volume and preserved in their office, and they shall cause at least fifty additional copies of such list, respectively, to be printed in pamphlet form for immediate distribution. Said registrars, after making and returning such lists to the board of deputy state supervisors shall make out in books, to be prepared and furnished to them by such board, duplicate lists of all the registered electors in their precinct, arranged alphabetically in the order of their surnames, followed by their full Christian names, ages, and residences as registered, and the registry number of each prefixed. The books to be prepared for this purpose shall be ruled in columns, with printed headings, as follows, namely: Registry number ———, name ———, age ———, residence ———, voted ———, remarks. These lists shall be carefully compared by the registrars of each precinct with the registers thereof, and with each other, and then certified by them in the form prescribed for the lists returned to the board of deputy state supervisors, and at the opening of the polls at the next succeeding election, shall be there produced by them for the use of the judges, as herein provided.
Bound volume of lists.	
Pamphlets.	
Duplicate registration lists for use at polls.	
Comparison.	
Meeting for granting or receiving certificates of removal or mistake.	<p>Sec. 2926m. On Monday, the day preceding the November election in every year, the registrars of each and every election precinct aforesaid, shall meet at two-thirty o'clock in the afternoon, at the polling place appointed for holding elections therein, and there remain in session until five-thirty o'clock, in the evening, central standard time. At this meeting, they shall receive and act upon any application for either granting or receiving certificates of removal or correction of mistakes as herein provided for; and if any material error or mistake in the description of any elector in such precinct has been discovered, he may appear at this meeting, and on good cause being shown, the registrars may then correct the same. But any change in the registers which shall be allowed by the registrars at such meeting, must immediately be noted by them in the registers and also in the books containing the duplicate lists for the use of the judges as above provided, and if not then and there so noted, shall be wholly null, and disregarded by the judges of election. At this meeting, also, and subject to the same conditions, any qualified elector of such precinct may be registered who shall appear and present an order requiring it, signed by not less than three members of the board of deputy state supervisors; provided, that no such order shall be made or considered by such board of deputy state supervisors, except in a</p>
Correction.	
Noting of changes.	
Registration by order of board of deputy state supervisors.	
Such orders when made.	

session of said board to be held in its office on Saturday and Monday preceding the November election in every year, and during such hours as may be prescribed by the board therefor, nor unless the applicant shall appear before them personally at such sessions, after the last day of general registration, and prove to their satisfaction that he could not, by due diligence, have appeared before the registrars in his proper precinct on either of the days appointed herein, and shall furthermore comply with all the prescribed requirements for general registration.

Sec. 2926m. On Monday, the day preceding the November election in every year, the registrars, as judges of election, and the other two judges of election in each precinct, shall meet at the polling place appointed for holding the election therein at seven o'clock in the evening punctually, and then and there organize as a board by electing one of their number, by ballot, as chairman. If they fail so to elect a chairman within ten minutes, they shall immediately choose a chairman by drawing lots. They shall at this meeting make all necessary arrangements for securing the ballot-boxes and the proper accommodations for themselves and the clerks of elections in receiving and counting ballots at the ensuing election, and also, if requested, for the witnesses and challengers designated by each political party to be admitted within the polling rooms as follows, namely: At every election the executive or principal committee of each political party presenting one or more candidates for suffrage, may, by writing, certified by its chairman and secretary, and presented to the judges of election at or before this meeting, designate not more than one elector of such city as witness, and one other elector as a challenger, to attend at such election in behalf of such party. It shall be the duty of the judges of election in each and every ward or election precinct to admit the witnesses and challengers so accredited, into the polling room with themselves and the clerks at the ensuing election, and to place them so near to themselves and the clerks, that they can fully and conveniently watch every proceeding of the judges and clerks from the time of opening to the closing of the polls; no other person except the witnesses and the judges and clerks of the election shall be admitted to said polling place after the closing of the polls until the counting, certifying and signing of the final returns of such election have been completed. Before opening the polls the ballot-boxes shall be opened, if requested by a witness, so that the inside and the locks and keys may be inspected by them. No ballot-box, nor any ballot when taken from it for counting, shall be removed or screened from the constant sight of such witnesses until the counting has been closed and the certificate of the final returns completed and signed by the judges. The challengers so designated shall be so placed that they can fully see and meet each and every person offering a ballot to the judges or either of them. And at the meeting on the evening of a day preceding an election, any

Meeting on evening prior to election.

Organization.

Securing ballot-boxes and accommodations, etc.

Witnesses and challengers.

Their admission to polling place.

Who may be present during count, etc., of votes.

Inspection of ballot-boxes before opening of polls.

Same to be in plain view.

Rights of challengers.

Challenge of lists.

elector may appear and challenge the vote of any person named in the register of such precinct, and the word "challenged" shall immediately be entered by the judges opposite the name of such person on both of the duplicate lists of electors, and if he shall offer to vote at any election, the judges shall, upon such challenge, examine him under oath as to his qualifications as an elector in such precinct.

Opening and
close of polls.

Sec. 29260. On the day of the November election in every year, and of any other election, the polls in each and every precinct in cities in which registration is required, shall be opened by the judges of elections appointed and organized as in this act provided, by proclamation made by the chairman, at the hour of five-thirty o'clock in the morning, standard time, and shall be closed by proclamation, at the hour of four o'clock, standard time, in the afternoon in cities which have now or may hereafter have a population of three hundred thousand or more as ascertained in the manner provided in section 2926a, and at the hour of five-thirty o'clock in the afternoon in all other cities in which registration is required.

Duty of regis-
trars.

The registrars acting as judges shall punctually, at the hour of opening the polls, attend and produce, at the polling places in the several precincts, the registers, affidavits of sick or absent electors and accompanying papers, and also the duplicate certified lists of electors, prepared by them as herein required. The chairman of the board shall at once designate two members of the board of judges of different political parties, each to hold and to have charge of one of the said duplicate lists; no ballot shall be deposited in the ballot-box, until the name of the elector offering it, shall first have been stated by him, and announced aloud by the judge holding the ballot, nor until it shall have been found on both such lists, and so announced by both of the judges holding such lists. Every ballot must be put in the ballot-box, by the judge who receives it from the elector; and such judge and the ballot-box must always be so placed, and the ballot be so held forth by the judge, that it shall be in full view of the elector, until actually put into the box. For any wilful violation or evasion of this rule by any such judge, he shall at once be expelled from his office by the other three judges, and the vacancy filled in the manner provided by section 2926e, and immediately upon the depositing of the ballot in the box, each of the said judges shall check off the name of such elector on the duplicate list, held by him, by placing a "V" distinctly with ink in the column under the word "voted," and in the line with the elector's name; provided, that it shall be unlawful for any judges or clerks of election, or of any of the witnesses or challengers, admitted into the polling rooms at the election, at any time while the polls are open, to have in his possession, or to distribute, or to give out any ballot or ticket to any person on any pretense, nor during the counting or certifying of the votes, to have any ballot or ticket in his possession or control, except in the proper

Location of
ballot-box.

discharge of his duty, in receiving, counting or canvassing the votes as required by law; but this prohibition shall not extend to the lawful exercise by any judge or clerk of elections, or witness, or challenger aforesaid, of his individual right to vote at such election. Any registered elector, when offering to vote, may nevertheless be challenged by an elector as a nonresident, or for any of the causes allowed by law, and he shall be sworn, and the same proceedings thereupon had as in other cases; in all cases of challenge, the judges holding the duplicate lists aforesaid, shall note the word "sworn" opposite the name of the person challenged. And except as otherwise required herein, the judge of elections appointed, as herein provided, shall have the same powers and discharge all the duties conferred or required by the general laws of the state regulating elections. But except where some authority or duty is herein allotted to one of said judges, no order or action on their part shall be of any validity without the concurrence of three members of said board of judges in any precinct.

Challenges.

Sec. 2026*b*. Immediately upon the close of the polls at any and every election in such cities, the number of electors entered and shown on the poll-books as having voted, shall be first certified therein and signed by the board of judges and the clerks; and before any other or further proceedings the chairman of the board shall make a proclamation in a loud voice in the street outside of the polling room, stating the number of voters so shown and certified on the poll-books. The number of electors who shall have been checked on each of the duplicate lists as having voted, shall next be counted and compared each with the other, and with the number so shown in the poll-books, and the result shall be at once certified in the poll-book and signed by the judges. And in counting those who are checked, the word "no" shall at the same time be entered in ink in the same column opposite the name of each and every elector who is not so checked off. In all cases of disagreement or doubt on any question during the election or counting, the judges may refer to the original registers, and they shall be conclusive when relevant. The ballot-box shall then, without any adjournment or delay be opened, and without opening any ballot or ascertaining its contents, the number of ballots shall first be counted. If the number of ballots exceeds the number of names on the poll-books, the ballots shall be replaced in the box, and one of the judges shall, with his back to the box and without seeing it, draw out, without showing them, and destroy a number of ballots equal to the excess. And, if during the counting of the ballots or at the conclusion of the counting, an excess of ballots be discovered, all the ballots shall be returned to the box, and after being thoroughly mingled the excess shall in the manner directed above, be drawn out and destroyed, and the count corrected accordingly. In all cases where ballots have thus been drawn out and destroyed, a minute of the number destroyed and the reason, shall be made on the tally-

Certificate and proclamation of total vote cast.

Electors checked on duplicate lists.

Questions of doubt.

Opening of ballot-box and counting of ballots.

Excess of ballots to be destroyed.

Minute of destroyed ballots.

Completion of count.

Proclamation of result.

Certificate of result for board of deputy state supervisors.

Duty of judges.

Abstracting result.

Signing of tally-sheets.

Numbers; how expressed.

Session of board of deputy state supervisors on day of election.

Reports of election.

Assignment of police.

Certificate in case of involuntary mistake in registering.

Notice to registrars

sheet. The count shall then commence and proceed without interruption or delay, and in no case shall cease until it is completed, proclaimed, and the final result certified as herein required. As soon as the ballots have been counted and tallied, and the clerks have estimated the number tallied for each candidate, the chairman of the board shall make a second proclamation in the same manner as the first, stating the whole number of votes cast, and the number counted and tallied for each candidate; and this proclamation shall be prima facie proof of the result. The judges and clerks in every precinct shall at the same time make out and certify a summary statement of the number of votes cast therein, and the number counted and tallied for each candidate as announced in the proclamation, and dispatch the same without delay by a special messenger, and in a sealed envelope to the board of deputy state supervisors at their office. The judge of elections shall also, as soon as the result has been proclaimed, announce it to the board of deputy state supervisors from the nearest police station, or from a telegraph or telephone station if nearest to them. At the request of any of the persons designated to witness the counting of the ballots, the judges and clerks of elections shall also sign and deliver to him a certificate containing the same statements as required to be made to the board of deputy state supervisors. After completing the counting and enumeration of the ballots, and proclaiming and issuing the statement of the result, as hereinbefore directed, the number of votes for each person shall be set down in the tally-sheets, under the inspection of the judges and certified and signed by them in manner and form as prescribed by law. In all certificates the number of votes shall be fully written out in words, and also stated in figures.

Sec. 2926q. The board of deputy state supervisors shall convene in session at their office at five-thirty o'clock a. m. on the day of every election in such cities, and remain in session continuously until the statements giving the result of the election, as required above, shall have been received from every precinct in such city. The board shall have power to employ messengers, to use the telephone and telegraph, direct the police force of the city, and use any other lawful means to secure prompt and correct reports from the election judges, as above required. The police authorities shall assign at least one policeman to do duty in each precinct on every day of an election. The board shall also have authority during said day, in case any elector through no mistake or negligence of his own, shall have been registered in the wrong precinct, to issue to such elector a certificate showing such fact, and such certificate when presented by such elector to the proper registrars and judges, shall entitle said elector to vote in his proper precinct, and such mistake shall be noted on the register. When any such certificate is issued, the board of deputy state supervisors shall immediately notify the registrars and judges of election of the precinct wherein

such elector was so improperly registered of the issuing of such certificate, whereupon such erroneous registration shall be cancelled by them, a proper note thereof being made in the column for "remarks."

and judges of granting of certificate and cancellation of erroneous registration.

Sec. 2926r. The judges of elections, after having set down the number of votes for each person, and certified and signed the same in the poll-books and tally-sheets in the manner prescribed by law, shall put under cover one of the poll-books and tally-sheets, seal the same, and direct it to the clerk of the court of common pleas; the other poll-book and tally-sheet shall be sealed in like manner and directed to the board of deputy state supervisors; they shall then destroy all the ballots so counted or found in the ballot-box by burning the same completely; the judges, before separating, shall designate two of their number as messengers (by lot if they can not agree), one of whom shall personally and within twenty hours from the close of the polls, deliver to the clerk of the court of common pleas the poll-book and tally-sheet so addressed to the said clerk, and the other shall personally and within twenty hours, as above, deliver the other poll-book and tally-sheet to the board of deputy state supervisors at their office; the chairman of the precinct board of elections shall safely return the registers, the duplicate lists made therefrom, the ballot-boxes and keys thereof, and all affidavits or papers accompanying them to the board of deputy state supervisors or the clerk, at their office within twenty hours; and the judges and clerks of elections shall not adjourn, disperse, nor cease from proceeding as hereinbefore required, until all the said requirements have been actually executed and completed in manner and form as prescribed by law.

Disposition of poll-books and tally-sheets.

Ballots to be burned.

Return of registers, etc.

Completion of work without adjournment.

Sec. 2926s. The county board of deputy state supervisors, on demand of any candidate, shall compare the returns as received by the county clerk from the precincts in any city with the certified statement sent by the judges of elections to the board of deputy state supervisors as herein required, and if found to disagree, the number certified in the statement last mentioned shall be taken as correct and counted, unless proof of their returns received by the county clerk, satisfactory to the board of deputy state supervisors, shall be made by the judges, clerks, and witnesses of the counting. And for the purpose of adjusting such discrepancy, and determining the true result of the election, the board of deputy state supervisors shall also summon witnesses and examine them under oath, as to the proceedings and proclamations at such election in any precinct, and may also view and consider as part of the record, the poll-books and tally-sheets, registers, and duplicate lists made therefrom, and deposited as herein provided; but such inquiry shall be limited exclusively to determining which shall be adopted, namely: The returns as received by the county clerk, or the certified statement as received by the board of deputy state supervisors, as proof of the true vote at the close of the polls in any precinct.

Adjustment of discrepancies between returns to clerk and that received by board of deputy state supervisors.

Salaries of members and clerk of board of deputy state supervisors in counties containing registration cities.

Minimum compensation.

Maximum compensation.

How additional compensation paid.

Compensation of registrars, judges and clerks.

Sec. 2926f. Each deputy state supervisor, in counties containing cities in which registration is required, shall, in addition to the compensation provided in section 4 of the supervisory election law, section (2966-4), receive for his services the sum of five dollars for each election precinct in such city; and the clerk in such counties in addition to his compensation, so provided, shall receive for his services the sum of six dollars for each election precinct in such city; and the compensation so allowed such officers during any year, shall be determined by the number of precincts in such city at the November election of the next preceding year. Provided that the compensation paid to each of said deputy state supervisors under this section, shall, in no case, be less than one hundred dollars per annum, and that the compensation paid to the clerk under this section, shall, in no case, be less than one hundred and twenty-five dollars per annum; and provided, further, that, in such counties, the whole amount of annual compensation paid to each deputy state supervisor and clerk under this section and under section 4 of the supervisory election law, section (2966-4) shall not exceed, in any one year, the following: In counties containing cities having a population of three hundred thousand or more, as ascertained in the manner provided in section 2926a, each deputy state supervisor, eighteen hundred dollars, and the clerk, twenty-five hundred dollars; in counties containing cities having a population of seventy-five thousand and less than three hundred thousand, each deputy state supervisor, fifteen hundred dollars and the clerk, two thousand dollars; in counties containing cities having a population of fifty thousand and less than seventy-five thousand, each deputy state supervisor, seven hundred fifty dollars, and the clerk, nine hundred dollars; in counties containing cities having a population of twenty-five thousand and less than fifty thousand, each deputy state supervisor, four hundred dollars, and the clerk, five hundred dollars; in all other counties containing such registration cities, each deputy state supervisor, three hundred dollars, and the clerk, four hundred dollars. The additional compensation provided by this section shall be paid monthly from the city treasury, on warrants drawn by the city auditor upon vouchers signed by the chief deputy and clerk of the board. The registrars of each election precinct shall be allowed and paid four dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. In cities containing a population of thirty thousand or more the judges of election, including the registrars as judges, and the clerks of election, shall each be allowed and paid five dollars for each election at which they serve, and no more either from the city or county, and in other cities they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge or clerk shall be entitled to the compensation so fixed except upon the allowance and order of the board of deputy state super-

visors, made at a joint session, certifying that each has fully performed his duty, according to law as such, and stating the number of days' service actually performed by each, and signed by the chief deputy and clerk of the board to the city or county auditor. But for all November elections the county in which such city is located shall pay the general expenses of such election other than the expenses of registration; and such allowance and order for such expenses and compensation to such judges and clerks shall be signed by the chief deputy and clerk of such board to the county auditor of such county, who shall issue his warrants upon the county treasury for such amounts.

General expenses of election to be paid by county.

Sec. 2926u. Any member of the board of deputy state supervisors or the clerk of the board, may, for any violation or neglect of the duties prescribed herein, or other good and sufficient cause, be removed at any time by the state supervisor of elections, and the vacancy shall be filled as herein after provided.

Removal of clerk and members of board.

Sec. 2926v. The preceding provisions shall extend to any special election authorized by law to be held in any registration city, as follows:

Special elections.

1. There shall be no general registration as provided in sections 2926h and 2926i, but on Friday and Saturday in the second week before any such election, the registrars for each precinct shall obtain the last registers made by them from the board of deputy state supervisors, and attend at the place in such precinct appointed for the registration of electors between the hours herein directed for the purpose, and receive applications for registration by such qualified electors residing therein as are not already registered, and if qualified, shall enter the same in the registers, subject to the same rules and conditions as herein prescribed as to general registration, and they shall deliver certificates of cancellation to any registered elector who is not the head of a family, and who may apply to them to cancel his registration on account of his removal from the precinct in which he was registered to another precinct, and they shall receive such certificate from any elector presenting the same and allow him to register, if he be otherwise qualified, in the precinct to which he has removed; provided that on the day of election he will be an actual resident in such ward for twenty days immediately preceding such election; and they shall receive affidavits of sick and disabled electors, as required in section 2926i, and on such days and at their meeting on the evening preceding such election, which shall be held between the hours of five and seven o'clock in the afternoon, they shall also perform the same duties prescribed in section 2926m. The board of deputy state supervisors may, during the week previous to such election, issue orders for registration, which orders, if presented at the meeting for organization, held the evening before such election, shall be received by the registrars and be disposed of as required in section 2926m. And any additions or changes then en-

Registration for such elections.

Certificates of cancellation.

Affidavits of sick and disabled electors.

Additions to or changes in registers.

tered by them in their registers, shall also be made in the duplicate list of voters, which, after being carefully compared with the registers and with each other shall be produced by them, together with the registers of such precincts at the opening of the polls on the day of election, and then be used, applied and disposed of by the judges in all respects as directed in section 2926o.

Organization
of board of
judges.

2. At seven o'clock in the evening preceding any such election the registrars for each and every precinct, and the other two judges of election shall meet at the polling place therein appointed for such election, and shall then and there organize as a board of judges and perform the other duties prescribed in section 2926n and in the manner therein directed.

Poll-book ;
how addressed
and
delivered.

3. The poll-book required by section 2926r to be delivered by the judges of election to the clerk of the court of common pleas, shall be addressed and delivered by them to the auditor of such city.

Board of
canvassers,
duties of.

4. The board of canvassers of elections in each such city shall be composed of the board of deputy state supervisors and the city auditor of such city. Within four days after such election in such city, the said "board of canvassers" shall meet at the office of the board of deputy state supervisors at ten o'clock in the forenoon, at the call of the chief deputy state supervisor, and organize by electing a chairman and secretary; the returns received by the city auditor shall then be produced by him and opened and canvassed by the board of canvassers as prescribed in section 2926r and by law.

New or
altered wards
and precincts.

5. Whenever a new ward has been created, or the boundaries of any ward or the precincts have been changed after the general registration, and before any special election following, it shall be the duty of the board of deputy state supervisors to appoint election officers, rearrange the voting precincts, provide for registration of electors not already registered, make new registers, and certify the registration of registered electors whose voting precinct has been changed and make all necessary arrangements and regulations for holding elections in such new or altered wards and precincts; provided, that the right of any registered elector to vote shall not be prejudiced by any error in making out the certified lists of registered voters.

Permitting
false registra-
tion.

Sec. 2926w. 1. Any registrar of electors, or other registering officer, who falsely or fraudulently enters or consents to the entry in any register or duplicate list of the electors in any precinct, of the name of any person whom he knows or has good reason to believe is not a resident or qualified voter in such precinct, or who on request, refuses, neglects or hinders the registration of any person, who is a resident and qualified voter in such precinct, and offers to comply with the requirements of the law for that purpose, shall be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned not less than thirty days nor more than six months, or both.

Refusing
registration.

Penalty.

2. Whoever by any gift, promise or offer, or by coercion, intimidation, or other unlawful means, induces or influences, or attempts to induce or influence any registrar of electors or other registering officer, to enter in the register or duplicate list of electors in any precinct, the name of any person, real or fictitious, living or dead, who is not a resident or qualified elector therein, or who shall fraudulently induce any registrar or registering officer to refuse registration in a precinct to any person lawfully entitled to be registered as an elector therein, or unlawfully prevent, hinder or delay any registrar or registering officer from registering any person lawfully entitled to be registered, or to induce or influence such registrar or registering officer to violate or refuse or neglect the execution of any rule or duty touching his office and prescribed by law, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Inducing same, unlawfully.
3. Whoever falsely or fraudulently obtains or attempts to obtain registration, as an elector, in any precinct in which he is not a resident and qualified elector, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Inducing neglect of duty, penalty.
False registration, penalty.
4. Whoever fraudulently induces or attempts to induce, aid or abet any person to obtain or apply for registration as an elector in any precinct where such person is not a resident and qualified elector, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Inducing same; penalty.
5. Whoever falsely personates, or assumes the name of any other person, real or fictitious, living or dead, in obtaining or attempting to obtain registration in such assumed name as an elector in any precinct, or falsely obtains or applies for registration as an elector in any name other than his own, or fraudulently aids or abets any other person in committing or attempting to commit either of said offenses, shall be imprisoned in the penitentiary not less than two years nor more than five years.

Obtaining registration by personating another; penalty.
6. Whoever fraudulently or by any unlawful means prevents, hinders or delays, or attempts to prevent, hinder or delay any elector from applying for registration as an elector in the precinct where such elector resides and is entitled to vote, with intent to deprive such elector of his right to vote, shall be imprisoned in the county jail not less than thirty days nor more than six months, and fined not less than fifty dollars nor more than five hundred dollars.

Hindering registration.
Penalty.
7. Whoever by any false statement or other unlawful means, procures, or aids or attempts to procure the erasure or striking out of the register or duplicate list in any precinct of the name of any elector who is a resident and qualified elector therein, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Procuring unlawful erasure in registration lists; penalty.
8. Any judge or clerk of election, witness, challenger, or other person whatever who is admitted into the polling room at any election, and who at any time from the opening

Distributing ballots inside polling room.

Penalty.

of the polls until the ballots are finally counted and certified, and while in said room distributes or gives out to any person, on any pretense, or brings into said room, or has in his possession or control any ballot or ticket except that which he shall offer to the judges as his own vote if an elector, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned in the county jail not less than thirty days nor more than one year.

**Permitting
ballots in box
at opening of
polls, etc.;
penalty.**

9. Any judge of election who shall permit any ballot or ticket to remain or be in the ballot-box at the opening of the polls, or be put into the ballot-box at any time during the receiving, counting, and certifying the ballots, except when lawfully presented by an elector in the course of an election, shall be imprisoned in the penitentiary not less than two years nor more than five years.

**Perjury;
penalty.**

10. Whoever shall be guilty of wilful and corrupt false swearing or affirmation, upon any examination, by or before any registrar or registering officer authorized by this act, shall be guilty of perjury, and imprisoned in the penitentiary not less than one year nor more than five years.

**Neglect of
duty by officers
of election;
penalty.**

11. Any member of the board of deputy state supervisors or clerk thereof, or any registrar of electors or judge or clerk of elections in any city who shall wilfully refuse and neglect to execute and perform any duty prescribed by law to be done or performed by him, shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, to be recovered in the name and behalf of such city, or imprisoned in the county jail not less than thirty days nor more than one year, or both, in the discretion of the court.

**Counterfeiting
registration
certificates,
etc.**

12. Whoever makes, issues, utters or publishes any false or counterfeit certificate of registration authorized by this act to be granted by registrars of electors and boards of deputy state supervisors, or fraudulently alters any such certificate granted by any of said officers, or who makes, issues, utters or publishes any false certificate, statement or proclamation of the result of an election, knowing such certificate, statement or proclamation to be false, or who wilfully destroys, defaces or conceals any certificate or statement of the result of an election entrusted to him or his care for delivery, shall be imprisoned in the penitentiary not less than two years nor more than five years.

Penalty.

**Acting as
registrar,
judge or
clerk without
certificate of
appointment.**

13. Every person who may act as registrar, judge or clerk of election without having received his certificate of appointment from the board of deputy state supervisors, except the judges and clerks appointed in the manner herein provided in section 2926e, by the judges to fill a vacancy caused by absence or removal, and every such person so appointed by the judges who shall act without notice thereof having been sent to the board of deputy state supervisors and the judges who may make such appointment and neglect and fail to send notice thereof to the board of deputy state supervisors, and every person to whom such notice for the board may be given for delivery to the board who

**Acting as
substitute
judge without
notice, etc.**

shall neglect or fail to deliver the same as promptly as possible shall be guilty of a misdemeanor, and shall be fined not more than one hundred dollars or less than twenty-five dollars, or imprisoned thirty days, or both fined and imprisoned.

Neglect to forward notice, etc.

Penalty.

Sec. 2928. The deputy state supervisors shall cause to be provided, at the expense of the county, a ballot-box for each precinct therein which may be without the same, and cause it to be deposited with the proper township or village clerk or city auditor; and every such officer shall cause a ballot-box, with a copy of this title, to be delivered at each place of holding elections in his township or corporation as often as elections are held therein, and after each election the same shall be forthwith returned to him by the judges of election for safe keeping; provided, that in registration cities, the care of the ballot-boxes to be used at any election shall devolve upon such board.

Ballot-box and custody of.

Sec. 2929. The polls shall be opened at five-thirty o'clock central standard time in the forenoon, and kept open up to and closed at five-thirty o'clock central standard time in the afternoon of the same day except as otherwise provided in section 2926o.

When polls to be opened and closed.

Sec. 2938. At all elections held within boundaries of any municipal corporation during the receiving and counting of the ballots no person shall congregate or loiter upon the streets, alleys and sidewalks within seventy-five feet of the polling place of any election, or in any manner hinder or delay any elector in reaching or leaving the place fixed for casting his ballot, or within such distance of seventy-five feet to give or to tender or exhibit any ballot or ticket to any person other than a judge of election, or to exhibit any ticket or ballot which he intends to cast, or solicit or in any way attempt to influence any elector in casting his vote. In the discharge of their duties, the judges of election may, if necessary, appoint and require any elector or electors to aid them in making known their orders or directions and in enforcing the peace. The judges of election or any of them may order the arrest of any person violating this section, but such arrest shall not prevent such person from voting if he is entitled to do so. The sheriff, and all constables, policemen, and officers of the peace, and all bystanders at any election, shall immediately obey and aid in enforcing any and every lawful order made by the judges at any election in execution of the provisions of this section. Any persons willfully refusing or neglecting to perform any of the duties of this section prescribed, shall be fined not less than five dollars nor more than one thousand dollars, or imprisoned in the county jail not less than five days nor more than thirty days, or both; provided that nothing in this section shall be so construed as to conflict with sections 2926 to 2926w, inclusive.

To prevent loitering within seventy-five feet of polls.

Penalty.

Sec. 2950. The judge to whom a ticket is delivered shall, upon the receipt thereof, pronounce with an audible voice the name of the elector; and if no objection be made

How ballot to be received and deposited, etc.

as to the right of such elector to vote, and the judges are satisfied that he is a citizen of the United States, and legally entitled, according to the constitution and laws of this state, to vote at the election, he shall immediately put the ticket into the box, without inspecting the names written or printed thereon; and the clerks of the election shall enter the name of the elector, and number, in the poll-books, in the manner and form provided by law.

Supervisory
election laws:

SECTION 2. That sections 1, 3, 4, 5, 6 and 8 of an act entitled "An act to create a state supervisor of elections with deputy state supervisors for the conduct of elections in the state of Ohio," passed April 18, 1892, and known as sections (2966-1) Sec. 1, (2966-3) Sec. 3, (2966-4) Sec. 4, (2966-5) Sec. 5, (2966-6) Sec. 6, and (2966-8) Sec. 8 be amended so as to read as follows:

State super-
visor of elec-
tions, state
supervisor
and inspector
of elections,
deputy state
supervisors
and deputy
state super-
visors and
inspectors of
elections.

(2966-1). Sec. 1. There is hereby created the offices of state supervisor of elections, state supervisor and inspector of elections, deputy state supervisors of elections, and deputy state supervisors and inspectors of elections, with the powers and duties hereinafter prescribed, for the conduct and supervision of the registration of electors, and of elections in this state, except as otherwise provided by law.

State super-
visor of elec-
tions and state
supervisor and
inspector of
elections.

(2966-2). Sec. 2. By virtue of his office the secretary of state shall be the state supervisor of elections, and the state supervisor and inspector of elections, and in addition to the duties now imposed upon him by law, shall perform the duties of such offices as defined herein.

Appointments,
qualifications
and term of
deputy state
supervisors.

(2966-3). Sec. 3. On or before the first Monday in August, 1892, such state supervisor shall appoint four deputy state supervisors for each county in this state, who shall be qualified electors of the county for which appointed. For the first appointment, two members shall be appointed for a term of one year, and two for a term of two years from the first Monday in August, 1892. One member so appointed for one year and one for two years, shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state. The other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election. Thereafter except in counties containing cities wherein annual general registration of electors is required by this act, appointments shall be made annually for two deputy state supervisors for each county for the term of two years, which appointments shall be from two political parties which cast the highest and next highest number of votes at the last preceding November election for governor or secretary of state. All vacancies shall be filled and all appointments to new terms made from the political party to which the vacating or outgoing member belongs, unless there be a third political party which cast a greater number of votes in this state than did the party to which the retiring member belonged, at the next preceding November election, in which event the vacancy shall be filled from such third party. Provided, that if

Vacancies.

the executive committees of the two political parties in the county casting the highest and next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor at least ten days before the first day of August, then the state supervisor shall appoint the persons so recommended to the number to which such party is entitled; but if no such recommendation is made, the state supervisor shall make the appointments agreeably to the provisions herein contained. Any deputy state supervisor may be removed by the state supervisor for misfeasance or malfeasance in office, or other good and sufficient cause, and if, in filling vacancies caused by removals, no person or persons belonging to the political party as the person or persons removed, can be induced to accept such appointment, then the vacancies can be filled by appointments from any other political party.

Recommendation by party executive committees.

Removals.

On or before the first day of May, 1904, the state supervisor and inspector of elections shall appoint four deputy state supervisors and inspectors of elections, in each county in the state which contains a city wherein annual general registration of electors is required by this act, who shall be qualified electors of the county for which they are appointed.

Appointments, qualifications and term of deputy state supervisors and inspectors.

For the first appointments, two members shall be appointed for the term of two years, and two for the term of four years from the first day of May, 1904. One member so appointed for two years, and one for four years, shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state. The other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election. Thereafter, appointments shall be made biennially for two deputy state supervisors and inspectors of elections for each such county, for the term of four years, which appointments shall be from the two political parties which cast the highest and the next highest number of votes at the last preceding November election for governor or secretary of state. All vacancies shall be filled and all appointments to new terms made from the political party to which the vacating or outgoing member belongs unless there be a third political party which cast a greater number of votes in this state at the next preceding November election than did the party to which the retiring member belonged, in which event the vacancy shall be filled from such third party. Provided, that if the executive committees of the two political parties in the county casting the highest and the next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor and inspector of elections at least five days before the first day of May, then the state supervisor and inspector shall appoint the persons so recommended to the number to which such party is entitled; but if no such recommendation is made, the state supervisor and inspector shall make the appointments agreeably to the provisions herein contained.

Vacancies

Recommendation by party executive committees.

Powers and duties of state supervisor and inspector of elections and deputy state supervisors and inspectors of elections.

The state supervisor and inspector of elections and the deputy state supervisors and inspectors of elections shall have, in addition to the powers and duties conferred upon them for the investigation and prosecution of offenses against the registration and election laws of this state, all the rights, powers and duties conferred and imposed by law upon the state supervisor of elections, and the deputy state supervisors of elections; and except where otherwise expressly provided the term "state supervisor" shall be taken to apply to the state supervisor and inspector equally with the state supervisor, and the terms "deputy state supervisor" and "deputy state supervisors," shall be taken to apply to deputy state supervisors and inspectors of elections equally with deputy state supervisors of elections, and the term "clerk" shall be taken to apply to the clerk of the board of deputy state supervisors and inspectors of elections equally with the clerk of the board of deputy state supervisors of elections.

Deputy clerk; compensation.

The board of deputy state supervisors and inspectors of elections shall also appoint a deputy clerk who shall perform such duties and receive such compensation, not exceeding one hundred dollars per month, as shall be determined by the board.

Organization and selection of clerk and deputy clerk.

The deputy state supervisors and inspectors of elections shall, within five days after their appointment, and biennially thereafter, meet and organize by selecting one of their number as chief deputy, who shall preside at all meetings, and two resident electors of the county, other than members of the board, as clerk and deputy clerk respectively, all of which officers shall continue in office for two years. The balloting for such officers shall commence at or before one o'clock p. m. of the day of the convening, and at least one ballot shall be taken every twenty minutes until such organization is effected, or five ballots have been cast as hereinafter provided. The clerk shall first be selected by the votes of at least three members, and if, after five ballots, no person shall be agreed upon as clerk, the names of all persons so voted for on such fifth ballot, together with the names of the deputies who nominated them, shall be certified to the state supervisor and inspector of elections, who shall designate therefrom one of such persons to serve as clerk, and another such person to serve as deputy clerk. The clerk and deputy clerk shall be of opposite political parties, and each such officer shall have been nominated by a deputy state supervisor and inspector of the political party to which he belongs.

Selection of chief deputy.

After the selection of the clerk, the chief deputy shall be selected from the deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk and having the shortest term to serve shall be and act as chief deputy, presiding at all meetings. When such organization is perfected, the clerk shall forthwith re-

Report of organization.

port the same to the state supervisor and inspector of elections. All vacancies in the offices of chief deputy, clerk, and deputy clerk, shall be filled in the same manner as original selections are made and by persons belonging to the same political party as that to which the outgoing officer belonged. The clerk, or deputy clerk, may be removed by the state supervisor and inspector, or by the deputy supervisors and inspectors, for any violation or neglect of duty, or other good and sufficient cause.

Sec. (2966-4). Sec. 4. The deputy state supervisors shall, within fifteen days after their appointment, in each year, meet in the office of the county commissioners or in counties containing registration cities at their office in such city as may be most convenient and organize by selecting one of their number as chief deputy, who shall preside at all meetings, and a resident elector of such county, other than a member of the board, as clerk, both of which officers shall continue in office for one year. The balloting for such officers shall commence at or before 1 o'clock p. m., on the day of convening, and at least one ballot shall be taken every twenty minutes until such organization is effected. The clerk shall be first selected by the votes of at least three members, and if, after five ballots no person shall be agreed upon as clerk, the clerk shall be selected by lot, from two persons of opposite politics, to be nominated by the deputy supervisors, the two deputy supervisors of the same politics to name one candidate for clerk, and the two deputies of opposite politics to name the other. After the selection of the clerk the chief deputy shall be selected from deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk having the shortest term to serve, shall be, and act as chief deputy, presiding at all meetings. When such organization is perfected, the clerk shall forthwith report the same to the state supervisor. The clerk may be removed by the state supervisor or deputy state supervisors for any violation or neglect of duty or other good and sufficient cause, and such vacancy shall be filled by the deputy state supervisors, from the political party to which such outgoing clerk belonged. The clerk shall have power to administer oaths to such persons as are required by law to file certificates or other papers with the board, and to judges and clerks of election, or any witnesses who may be called to testify before the board. Such deputy supervisors shall meet on the twelfth day before each election, and shall remain in session for such length of time as may be necessary, and shall adjourn to such day as their duties prescribed by law may require. Each deputy state supervisor shall receive for his services the sum of three dollars for each election precinct in his respective county, and the clerk shall receive for his services the sum of four dollars for each election precinct in his respective county; and the compensation so allowed such officers, during any year, shall be

Vacancies.

Removals.

Deputy state supervisors: organization.

Chief deputy.

Clerk.

Report of organization.

Removal of clerk.

Clerk's power to administer oath.

Meetings of board.

Compensation of members and clerk.

Minimum compensation.	determined by the number of precincts in such county at the November election of the next preceding year. Provided that the compensation paid to each of said deputy supervisors under this section shall in no case be less than one hundred dollars per annum and that the compensation paid to the clerk shall in no case be less than one hundred and twenty-five dollars per annum. Such compensation shall be paid quarterly out of the general revenue fund of the county.
How paid.	treasury upon vouchers of the board made and certified by the chief deputy and the clerk thereof. Upon presentation of such voucher or vouchers, the county auditor shall issue his warrant upon the treasurer for the amount thereof and the treasurer shall pay the same. All proper necessary expenses of such board of deputy state supervisors shall be defrayed out of the county treasury as other county expenses, and the county commissioners shall make the necessary levy to meet the same; which expenses shall, in the case of boards of supervisors and inspectors of elections, include all expenses authorized by the state supervisor and inspector and incurred in the investigation and prosecution of offenses against the laws relating to the registration of electors, the right of suffrage and the conduct of elections.
Necessary expenses.	
Codification and publication of election laws.	(2966-5). Sec. 5. The secretary of state is hereby authorized and required to collate and publish from time to time all the election laws in force applicable to the conduct of elections. There shall be a sufficient number of copies of such election laws printed, to be bound in paper, which shall be distributed in proportion to the number of voting precincts in each county, such distribution to be made in each county by the deputy supervisors therefor.
Distribution.	
Appointment of clerks.	(2966-6). Sec. 6. At least ten days before any general election the deputy supervisors of each county shall appoint, in all precincts in which the voters are not registered, four judges and two clerks of election, residents of the precinct, who shall constitute the election officers of such precinct; the deputy supervisors shall designate one judge in each precinct, who shall be selected from the dominant party in such precinct, as determined by the next preceding November election, to act as presiding judge. The terms of the judges and clerks shall cease and terminate at the end of one year from the date of their appointment, at which time, and annually thereafter, their successors shall be appointed to similar term of office, agreeably to the provisions of this act. Not more than two judges and not more than one clerk shall belong to the same political party. If a judge or clerk in any precinct shall fail to appear on the morning of election, the electors present shall, viva voce, choose a suitable person, having the qualifications of an elector, to fill the vacancy from the political party to which the absent judge or clerk belonged. The judges and clerks shall each receive as compensation the sum of three dollars for their services, which services shall be the receiving, recording, canvassing, and making return of all the votes that may be
Presiding judge.	
Terms.	
Appointment.	
Vacancy.	
Compensation.	

delivered to them in the voting precinct in which they preside on each election day; provided, that in any county containing a city having a population of three hundred thousand or more, by the last preceding federal census, the compensation of judges and clerks of election for such services shall be five dollars; and in cities where registration is required, the compensation of judges and clerks of election shall be as otherwise provided in this act. The judges and clerks of election, appointed as provided in this section, may be summarily removed from office by the board of deputy state supervisors at any time for neglect of duty, malfeasance or misconduct therein, and in all cases the last appointment to either of such offices for any precinct shall be recognized as valid. When any such officers have been removed and new appointments made, it shall be the duty of the board of deputy state supervisors to immediately send notice to the board of precinct officers. The judges and clerks of election may be sworn by the clerk of the board or any member thereof, and the presiding judge may administer the oath to the other election officers of his ward, township, or precinct. Provided, that when new precincts have been created or vacancies exist, the deputy state supervisors shall at least ten days before any annual election appoint judges and clerks of election for such precincts, who shall serve for the unexpired term.

Proviso.

Removals.

Oath of election officers.

Appointments for unexpired term.

(2966-8). Sec. 8. The judges and clerks provided for herein shall serve as such in all elections held under the provisions of this act. They shall perform all the duties and be subject to all the penalties imposed upon judges and clerks of election by law.

Duties of judges and clerks.

The state supervisor of elections, the deputy state supervisors, and the deputy state supervisors and inspectors of elections, as herein provided, shall perform all the duties imposed by law.

Duties of state supervisor and deputy state supervisors.

The state supervisor of elections and the deputy state supervisors shall receive and file certificates of nominations and nomination papers, pass upon the validity thereof and certify the same agreeably to the provisions of law.

Certificates of nominations and nomination papers.

It shall be the duty of the boards of deputy state supervisors and inspectors of elections to investigate and prosecute all violations of the laws relating to the registration of electors, the right of suffrage and the conduct of elections, and to report the same to the state supervisor and inspector of elections; and when approved by the state supervisor and inspector, and by a vote of a majority of all its members, each such board may incur any expense necessary to the conduct of such investigations and prosecutions.

Investigation and prosecution of violation of election laws.

The deputy supervisors for each county shall advertise and let the printing of the ballots, cards of instruction and other required books and papers to be printed by the county; they shall receive the ballots from the printer and cause the same to be securely sealed up in their presence in packages, one for each precinct, containing the designated number of

General duties of deputy supervisors.

ballots for each precinct, and shall make the necessary indorsement thereon as provided in the ballot laws; they shall provide for the delivery of the ballots, poll-books and other required books and papers at the polling places in the several precincts; they shall cause the polling places to be suitably provided with booths, guard-rails, etc., as provided in the act of April 30, 1891, and acts amendatory and supplementary thereto; they shall provide for the care and custody of the same during the intervals between elections; they shall receive the returns of elections, canvass them, and make abstracts of the same, and transmit such abstracts to the proper officers at the times and in the manner provided in sections 2980, 2982, 2983, 2989 and 2994 of the Revised Statutes, to canvass the returns, make abstracts thereof, transmit the same and issue certificates to persons entitled to the same.

Return and canvass of vote for township and municipal officers, members of boards of education and justices of the peace.

In November elections for township or municipal officers, or boards of education, or the election of a justice of the peace, the judges and clerks of election in each precinct shall make and certify the returns to the clerk of the township or the clerk or auditor of the municipality in or for which the election is held, or the clerk of the board of education of the school district, instead of to the deputy state supervisors, and the said township clerk, or the clerk or auditor of the municipality, or clerk of the board of education, shall canvass the vote and declare the result in the manner, and as provided in sections 1453, 1729 and 3910 of the Revised Statutes, and in case of an election of a justice of the peace, shall certify the result to the board of deputy state supervisors; but in municipalities where the voters are registered the returns of the election of municipal officers or boards of education or justices of the peace shall be made to the board of deputy state supervisors, and canvassed by a board of canvassers, consisting of the board of deputy state supervisors and the city auditor.

State supervisor of elections:

SECTION 3. That section 1 of an act entitled "An act to provide for compensation of supervisor of elections of the state of Ohio," passed April 18, 1892, and known as section (2966-12) Sec. 1 be amended so as to read as follows:

Compensation.

Sec. (2966-12). Sec. 1. The state supervisor of elections shall receive, as compensation for his services in said capacity, an annual salary of one thousand dollars.

Ballot laws:

SECTION 4. That sections 1, 7, 9, 10, 13, 15, 16, 17, 18, 19, 20, 23, 24, 25, and 36 of an act entitled "An act amendatory of and supplementary to an act entitled 'An act to provide for the mode of conducting elections, to secure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," passed April 18, 1892, and known as sections (2966-13) Sec. 1, (2966-20) Sec. 7, (2966-22) Sec. 9, (2966-23) Sec. 10, (2966-26) Sec. 13, (2966-28) Sec. 15, (2966-30) Sec. 16, (2966-31) Sec. 17, (2966-32) Sec. 18, (2966-33) Sec. 19, (2966-34) Sec. 20, (2966-38) Sec. 23,

(2966-39) Sec. 24, (2966-40) Sec. 25, (2966-52) Sec. 36, and an act entitled "An act to amend section 6a of the act passed April 5, 1894 (91 O. L., p. 118), relating to the conduct of elections," passed April 17, 1896, (92 O. L., 185), and known as section (2966-19) Sec. 6a and section 2966-15 of the Revised Statutes be amended so as to read as follows:

(2966-13). Sec. 1. That hereafter elections of all public officers, except road supervisors, and all officers of original surveyed townships, in this state, shall be conducted according to the provisions of this act and existing laws not inconsistent therewith.

Conduct of elections of public officers.

Sec. 2966-15. In all municipalities where registration is not required, and in townships, when four hundred votes or more have been cast at the last preceding November election in any ward or township, or in any precinct therein, such ward, township or election precinct may, or, when a majority of the voters petition therefor, shall be divided by the deputy state supervisors, as hereinafter provided, into two or more election precincts, so as to limit the number of voters in each ward or precinct to two hundred, as nearly as may be practicable; and from time to time, any or all of such precincts may be rearranged, subdivided, or combined as often as may be deemed necessary or the convenience of the electors and the prompt and correct conduct of the elections may require, provided that no precinct hereafter created shall contain less than one hundred and fifty voters; except that a municipality containing fifty or more voters shall compose at least one voting precinct as provided in Sec. 2923 herein, and in a municipality situated in two or more townships, the part thereof in each township shall compose at least one voting precinct if there are fifty or more voters therein. At least thirty days previous to any election, the officers above named shall give ten days' notice, by publication in two papers of opposite politics published in the county, that the question whether the township, ward or precinct, or precincts, shall be divided, changed or combined, will be considered on a day named in said notice. On said day, or some subsequent day to which the matter may be adjourned, the question of dividing, changing or combining said precinct shall be heard, and if there are no remonstrances against said division, change or combination, they shall declare the same, and the precincts so established; but if any twelve electors of such precinct remonstrate against such division, change or combination, the matter shall be heard and determined, and such order made for or against such division, change or combination as is deemed proper; provided, that nothing in this section shall be construed to affect the powers and duties of boards of deputy state supervisors in reference to the division of election precincts within such cities as provided in section 2926 of the Revised Statutes; provided, further, that the division of any election precinct into two or more subdivisions, as herein provided, shall not be construed as requiring the election

Division of wards, townships or precincts.

Rearrangement, subdivision or combination of such precincts.

Precincts shall contain at least one hundred and fifty voters; exception.

Notice of proposed change.

Hearing and determination of question.

Precincts in registration cities.

Election of assessors.

of an assessor in each such subdivision, but in all such election precincts subdivided as aforesaid there shall be elected one assessor for each original precinct unless the deputy state supervisors, at the time of the division, shall order that an assessor be elected in each precinct.

Substitution
of candidate
of other
party or
nominee
by petition.

(2966-19). Sec. 6a. It shall not be lawful, however, for any committee, appointed for the purpose of filling vacancies, in cases where no nominations were made originally for a particular office, to name a candidate of another political party for such office, or to name a candidate nominated by petition, it being the intent of this act that when the nomination of a candidate of one party is endorsed by another that it shall be done at the time and in the manner provided for original nominations. Provided, further, that if the name of any candidate, except the name of a candidate for the office of member of a school board or board of education, is certified to the state supervisor of elections or deputy state supervisors by two or more political parties, or by a petition of electors and a political party or parties, it shall be unlawful to cause the name of any such candidate to be printed in more than one place on the ballot sheet, if said candidate be certified by two or more political parties or petitioners for the same office. When the name of a candidate is certified as above mentioned, such person whose name is so certified shall within three days from the time the certificate of nomination is filed, notify the state supervisor or deputy state supervisors, as the case may be, under which political party name or list of petitioners he desires his name to be printed, and the said election officers when so notified shall print the name in that list only. If the said person, except a candidate for member of any school board, or board of education, whose name is so certified by two or more political parties or petitioners, fails to notify the state supervisor of elections or the deputy state supervisors, as the case may be, in which list of candidates he desires his name to be printed, then the said state supervisor or deputy state supervisors shall print the name in the list of party candidates which was first certified to the state supervisor or deputy state supervisors, and in that list only.

Printing of
name of candi-
date on bal-
lot when two
or more cer-
tificates for
same office
filed.

Nomination
of candidates
by nomination
papers.

(2966-20). Sec. 7. Nominations of candidates for any county, township, municipal or ward office, or members of the board of education may be made by nomination papers, signed in the aggregate for each candidate by not less than three hundred qualified electors of the county, or fifty qualified electors of the city, or twenty-five qualified electors of the township, ward or village, or twenty-five qualified electors of either sex of the school district, respectively; except in counties containing annual registration cities, such nomination papers shall be signed by petitioners not less in number than one for every fifty persons who voted at the next preceding general election in such county. Nominations of candidates for other offices may be made by nomination papers, signed for each candidate by qualified electors of the

Annual reg-
istration
cities.

state or the district or division for which such candidates are nominated, not less in number than one for every one hundred persons, who voted at the next preceding general election in the state or such district or division. Signers of such nomination papers shall insert in them the names and addresses of such persons as they desire, to the number of five, as a committee, who may fill vacancies caused by death or withdrawal. Such nomination papers shall contain a provision to the effect that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose nominations are therein requested. Each elector signing a nomination paper shall add to his signature his place of residence, and may subscribe to one nomination for each office to be filled, and no more. One of the signers to each such separate paper shall swear that the statements therein are true, to the best of his knowledge and belief, and the certificate of such oath shall be annexed.

Signers to name committee to fill vacancies.

Signer pledged to vote for nominee or nominees.

Residence of signers to be stated; can subscribe to but one nomination; oath by one of the signers.

Filing of certificates of nomination and nomination papers.

(2966-22). Sec. 9. Certificates of nomination and nomination papers of candidates for presidential electors and state offices shall be filed with the secretary of state not less than thirty days previous to the day of the election at which the candidates are to be voted for; certificates of nomination and nomination papers for the nomination of candidates for county offices shall be filed with the deputy state supervisors not less than twenty days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of a district lying within a county shall be filed with the deputy state supervisors of the county not less than twenty days previous to the day of election; and for offices to be filled by the electors of a district, circuit or subdivision of a district, composed of two or more counties, with the chief deputy state supervisor of the county in the district, circuit or subdivision containing the greatest number of inhabitants, as ascertained by the last federal census, not less than twenty-five days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for township or municipal offices, or members of the board of education, shall be filed with the deputy state supervisors not less than fifteen days previous to the election; certificates of nomination and nomination papers for municipal officers and for members of boards of education in municipalities situated in two or more counties shall be filed with the board of deputy state supervisors of the county containing the majority population of said municipality not less than fifteen days previous to the election.

(2966-23). Sec. 10. Certificates of nomination and nomination papers, when filed, shall be preserved and be open, under proper regulations, to public inspection; the certificates of nomination and nomination papers being so filed, if in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing, within five days after the filing thereof.

Preservation and inspection of certificates of nomination and nomination papers.

Objections to their validity.

Consideration
and decision
of such ob-
jections or
other
questions.

Such objections, or other questions arising in the course of the nomination of candidates for state offices and presidential electors shall be considered by the secretary of state, and his decision shall be final. Such objections or other questions arising in the course of nominations of candidates for county offices or offices of a district lying within a county shall be considered by the deputy state supervisors of the county, and objections or questions arising in the course of nomination of candidates for district or circuit offices or offices in a subdivision of a district shall be considered by the chief deputy state supervisors and clerks of said election boards of the several counties comprising the district, circuit or subdivision, and their decision shall be final; and the votes of at least three deputy state supervisors for the county, or a majority of the chief deputies and clerks of the district or circuit or subdivision of a district, shall be necessary to a decision; but in case no decision can be arrived at, the matter in controversy shall be submitted to the state supervisor of elections, who shall summarily decide the question thus submitted to him, and his decision shall be final. Objections and questions arising in the course of nominations for township or municipal offices, or members of the board of education, shall be considered by the deputy state supervisors; the decision of such deputy state supervisors shall be final, and in case of disagreement the matter shall be referred to the state supervisor of elections and his decision shall be final; but in municipalities within the terms of this act which are situate in two or more counties, the objection or question may be submitted, by the board of deputy state supervisors of the county where filed, directly to the state supervisor. In case an objection is made, or question arises, notice shall forthwith be mailed to the candidates affected thereby, and to any party committee especially interested. It shall be proper for the officers above named, in the decision of any question as to the proper political or party designation of candidates, to distinguish between candidates nominated by certificates of nomination and those nominated by petition or nomination papers; and any party or political designation certified by petitioners in nomination papers may be rejected if, from similarity to the name of any existing party, as defined in section 7, such officers shall deem it likely to mislead or confuse voters.

Transmission
of certified
copies of cer-
tificates of
nomination.

(2966-26). Sec. 13. Immediately upon the expiration of the time within which certificates of nominations and nomination papers may be filed and within which objections thereto may be made as provided in section 10 ((2966-23) Sec. 10), the secretary [of state] shall certify all the nominations so filed to the several deputy state supervisors together with a form of official ballot therefor; and the chief deputy state supervisor of the district, circuit or subdivision with whom the certificate of district, circuit or subdivision nominations has been filed, shall immediately

certify the nominations so filed to the deputy state supervisors in all the other counties in such district, circuit or subdivision and the deputy state supervisors of the county containing the majority population of a municipality situated in two or more counties, shall immediately certify to the deputy state supervisors of the other county or counties, copies of all certificates of nominations and nomination papers of such municipal officers or members of the board of education that have been filed with such board.

(2966-28). Sec. 15. The printing provided for in this act, except poll-books and tally-sheets, shall be let by the deputy state supervisors to the lowest responsible bidder in the county, upon ten days' notice published not more than three times in two leading papers of opposite politics published in such county, but in case of special elections the deputy state supervisors may give notice by mail addressed to all the printing offices within the county, instead of publishing said notice. After the letting of the contract for the printing of the ballots, the proper officer or board shall secure from the printer and exhibit to the chairman of the local executive committee of each party represented on the ballot, for inspection and the correction of any errors appearing thereon, a printed proof of the ballot to be printed for use at the election; the person to whom the contract for printing the tickets is let, shall, in the presence of the deputy state supervisors, seal up securely in packages, one for each precinct in the county or municipality, as the case may be, the designated number of ballots to be printed for such precinct, and indorse thereon the number of ballots so printed and sealed up, and deliver the same to the deputy state supervisors at such time as they may direct. In election precincts composed of a township or a part thereof, or a municipality or a part thereof, there shall be provided for all elections, separate ballots, for each precinct, so as to enable electors residing in such precinct to cast their votes for the proper candidates in such precinct; and there shall be provided separate ballots for each school district portion of such precinct which shall contain the names of the candidates for members of the board of education for which electors residing in such precinct are entitled to vote. And when a municipality contains less than fifty voters in the same township, the deputy state supervisors may provide a separate ballot and ballot-box for such voters at the regular polling place in an adjoining precinct of the same county.

(2966-30). Sec. 16. Not less than three days before an election the deputy state supervisors shall summon the presiding judge of election in each precinct in such county to appear forthwith and receive the necessary blanks, poll-books, tally-sheets, certificates, cards of instruction and ballots for such precinct, and shall deliver to such judge the sealed packages of ballots, blanks, poll-books and other required papers, all of which such judge shall safely deliver and have on hand at the polling place in his precinct before

Contracts for printing.

Special elections.

Submission of proof of ballot.

Sealing and delivery of ballots.

Separate ballots for each precinct.

Municipalities containing less than fifty voters.

Delivery of ballots and other supplies required in conduct of elections.

Registration cities.

the time for the opening of the polls therein; provided, however, that in registration cities when the presiding judge or chairman is chosen at the meeting of the registrars and judges of election, on the evening preceding any November election pursuant to section 2926^{1/2} of the Revised Statutes, or on the evening preceding any special election, it shall be the duty of such judge, immediately after such meeting, to call at the office of the board of deputy state supervisors for such packages, and the deputy state supervisors shall deliver the poll-books, tally-sheets, cards of instruction and other supplies herein mentioned to the presiding judge or chairman, and provided further, that in any city having a population of 300,000 or more the board of deputy state supervisors may, by resolution, provide for the delivery of ballots through the agency of the police force of such city; and provided further, if the judge summoned to receive and deliver the ballots and other books and papers does not appear, the deputy state supervisors shall send the ballots, books and other required papers to the election officers of the precinct so as to be received by them in time for the election.

Delivery in cities having a population of 300,000 or more.**Delivery of supplies when judge summoned fails to appear.****Replacing of supplies lost or destroyed.**

(2966-31). Sec. 17. If, by any accident, or casualty, the ballots or other required papers delivered to any judge of elections or other messenger shall be lost or destroyed, it shall be the duty of such person charged with the custody thereof to report the loss at once to the deputy state supervisors from whom the same were obtained, and make affidavit of the circumstances of the loss, whereupon the deputy state supervisors shall at once resupply such person; in case such person fail or refuse to report and make proof of the loss, any qualified elector may do so, and thereupon a new supply shall be sent by special messenger, as provided in other cases.

Opening of packages.**Where cards of instruction to be placed.**

At the opening of the polls in each precinct, the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding officer. The cards of instruction shall immediately be placed in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and in such other places as the election officers may select.

Extra ballots.

In case no ballots shall have been delivered at any polling place before the opening of the polls, or if extra ballots shall, at any time during the time the polls remain open, be required, it shall be the duty of the deputy state supervisors, upon a requisition, in writing, signed by a majority of the election judges of such precinct, wherein the reason for demanding such ballots shall be set out, to secure the same as speedily as possible, and, if necessary, extra ballots may be printed for this purpose; provided, however, that such ballots shall conform, as nearly as possible, to the original ballots, and the printing and the care of the same shall be under the same provisions and penalties as the printing and care of the other ballots; and if, from any cause, neither the official ballots nor ballots otherwise prepared as above prescribed shall be ready for distribution at any polling place, or if the

When un-official ballots may be used.

supply of ballots shall be exhausted before the polls are closed, unofficial ballots may be used, so that no elector, for lack of a ballot, shall be deprived of his franchise.

(2966-32). Sec. 18. Every ballot intended for the use of electors, printed in accordance with the provisions of this act, shall contain the names of all the candidates whose nominations for any offices specified in the ballot have been duly made, and not withdrawn in accordance herewith, arranged in tickets or lists under the respective party or political or other designation certified. In elections for presidential electors, the names of the candidates for president and vice president shall be placed on the ticket by the secretary of state immediately following the name of the party and preceding the names of the presidential electors.

Contents of
ballot.

The arrangement of the ballot shall, in general, conform as nearly as practicable to the plan hereinafter given. The tickets of the various political parties shall be printed in parallel columns, headed by the chosen devices upon a shaded background, and the party names in such order as the secretary of state may direct, precedence, however, being given to the political party which polled the highest number of votes for the head of the ticket in the next preceding general election, and so on. The tickets or lists of candidates nominated by nomination papers, with their party names or designations shall be printed at the right of and parallel with the tickets of political parties in such order as the secretary of state may direct; precedence, however, being given in the order above prescribed for party tickets. No ticket or list of candidates shall be printed under the name of any party containing more candidates for any office than are to be elected.

Arrangement
of tickets or
lists of
candidates.

Whenever the approval of any question other than a constitutional amendment is to be submitted to a vote of the people, such questions shall be printed on a separate ballot and deposited in a separate ballot-box to be presided over by the same judges and clerks.

When question
is submitted.

The ballot shall be so printed as to give each elector a clear opportunity to designate by a cross mark in a large blank circular space three quarters of an inch in diameter below the device and above the name of the party at the head of the ticket or list of candidates, his choice of a party ticket and desire to vote for each and every candidate thereon; and by a cross mark in a blank inclosed space on the left and before the name of each candidate, his choice of particular candidates.

Form of
ballot.

On the back shall be printed, "official ballot," the date of the election, and fac simile of the signatures of the officers who have caused the ballots to be printed.

Indorsement.

The ballots shall be printed on the same leaf with a double stub, and separated therefrom by a perforated line, and shall be bound with the stub attached thereto, into books, or blocks, one for each voting precinct, which book or block shall contain at least twice as many ballots as there were

Printing, per-
foration,
binding and
designation of
ballots.

votes cast at such precinct at the preceding general election; upon the covers of such books or blocks shall be printed the designation of the precinct for which the ballots have been prepared.

Main stub.

The main stub shall be printed as follows: Consecutive number—[after these words the consecutive number shall be printed, beginning with one and increasing in regular numerical order]; provided, however, that the deputy state supervisors may direct that such consecutive numbers shall not be printed, but shall be written by the ballot officer before delivering the ballot to the elector.

Name of voter—[after these words the clerk shall write the voter's name.]

Residence—[after this word the clerk, in cities where registration is required, is to write the voter's residence.]

Secondary stub.

The secondary stub shall be printed as follows: Name of voter or registered number—[after these words the clerk, in precincts where the registration law is in force, shall write the registered number of the voter, and in other precincts the voter's name.]

General provisions relative to printing of ballots.

All ballots shall be printed on the best quality No. 2 book paper, in black ink, and with the exception of the heading which shall be in display, in brevier type, the name or designation of the office in lower case, and the name of the candidate therefor in capital letters, with a space of at least one-fifth of an inch following each name; the name of each candidate shall be printed in a space defined by ruled lines, and with a blank square on its left inclosed by heavy dark line; if, upon any ticket, there be no candidate or candidates for a designated office, a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank spaces herein provided for, shall be left. The heading of each party ticket, including the name of the party, the device above and the large circle between the device and such name, shall be separated from the rest of the ticket by a heavy line, and the circle above the name of the party in which the voter is to place the cross mark, if he desires to vote the straight ticket, shall be defined by heavier lines than the lines defining the blank spaces before the names of candidates, and such circle shall be surrounded by the following words printed in heavy face nonpareil type: "For a straight ticket mark within this circle."

Separation of party tickets by borders.

Each party ticket shall be separated from other party tickets and bordered on either side by a heavy border or a broad solid line at least one-eighth of an inch wide, and the edges of the ballot on either side trimmed off up to the border or solid line described.

[Main stub.]

Consecutive number

Name of voter.....

Residence

[Secondary stub.]

Name or registered number of voter.....

[illegible]

Voting shelves
and guard-
rails; arrange-
ment of.

Arrangement
of ballot-boxes
and voting
booths.

Number of
shelves
required.

Who permitted
within rail.

Supplies for
marking
ballots.

Return of
booths, guard-
rails, etc.

Placing of
such equip-
ment for
elections.

Appointment
and privileges
of party
challengers.

Oath of
challengers.

(2966-33). Sec. 19. The deputy state supervisors shall provide a sufficient number of voting shelves at which electors may conveniently mark their ballots, so that in the marking thereof they shall be protected from the observation of others by cloth screens or other device, extending from the top of the booth to a level with or below the voting shelf, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes or of such voting shelves. The arrangements shall be such that neither the ballot-boxes nor the voting booths shall be hidden from view of those outside of the said rail. The number of such voting shelves shall not be less than one for every seventy-five electors qualified to vote at such polling place. No person other than the judges of election and such officers as are provided for by the statutes of this state or of the United States, and electors admitted as herein provided, shall be permitted within said rail, except by authority of the election officers, for the purpose of keeping order and enforcing the law. Each voting shelf shall be provided with proper supplies and conveniences for marking the ballot. After each election the judges of elections shall see that the booths, guard-rails and other equipments are returned to the clerk or auditor of the township or corporation in which the precinct is situated, for safe keeping, and it shall be the duty of such clerk or auditor to have such booths and equipments on hand and in place at the polling place in each precinct before the time for opening the polls on election day, and for this service the deputy state supervisors may allow the necessary expense incurred; provided that in registration cities this duty shall devolve on the board of deputy state supervisors.

(2966-34). Sec. 20. Two challengers may be appointed by the precinct committeeman of each political party having candidates to be voted for at such election, who shall be admitted to the polling place for the purpose of challenging electors in such precincts where the voters are not registered, and they may keep tally of the electors voting; and in all special elections when no candidates are to be elected, the judges of election in each precinct shall at least one day before the election, appoint and make public two known representatives of each side of the question to be submitted, as challengers; the challengers shall serve without compensation from the county, city, village or township, and shall take the following oath, to be administered by one of the judges of election:

You do solemnly swear (or affirm) that you will support the constitution of the United States and of this state; that you will faithfully and impartially discharge the duties as official challenger, assigned by law; that you will not cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as elector, and that you will not disclose or communi-

cate to any person how any elector has voted at such election.

Any voter may be challenged by any challenger, judge or clerk of the election, and, if challenged, shall establish his right to vote as now provided by law. Any elector of the precinct may notify the judges of election, in writing, that he challenges the right of any person or persons to vote, giving the reason, and such person or persons shall be deemed challenged as above.

Challengers.

(2966-38). Sec. 23. The county executive committee of each party having a ticket to be voted at an election may designate a suitable person to be present as inspector and witness and inspect the counting of the votes in each precinct, and who shall be admitted to said voting place, and who shall be entitled to a copy of the certificates provided for in this act; and in all special elections where there are no candidates to be elected, the judges of election shall at least one day before the election appoint and make public one known representative of each side of the question to be submitted, as inspector; but no other person except the election officers shall be admitted to said polling place before or after the count begins. Immediately upon the close of the polls, the number of electors entered and shown on the poll-books as having voted, shall be first certified therein and signed by the board of judges and the clerks; and before any other or further proceedings the president or chairman of the board shall make proclamation in a loud voice outside of the polling room, stating the number of voters so shown and certified on the poll-books. Thereupon the judges shall, in the presence of the clerks and inspectors above provided for, destroy the ballots remaining unvoted.

Appointment and privileges of party inspector.

Special elections.

Who admitted to polling place.

Certificate and proclamation of vote cast.

Destruction of unvoted ballots.

(2966-39). Sec. 24. The ballot-box shall then, without any adjournment or delay be opened, and without opening any ballot or ascertaining its contents, the number of ballots shall first be counted. If the number of ballots exceeds the number of names on the poll-books, the ballots shall be replaced in the box, and one of the judges shall, with his back to the box and without seeing it, draw out, without showing them, and destroy a number of ballots equal to the excess. And, if during the counting of the ballots or at the conclusion of the counting, an excess of ballots be discovered, all the ballots shall be returned to the box, and after being thoroughly mingled the excess shall, in the manner directed above, be drawn out and destroyed, and the count corrected accordingly. In all cases where ballots have thus been drawn out and destroyed, a minute of the number destroyed and the reason, shall be made on the tally-sheet. The ballots shall then be taken out, one at a time, by one of the judges, who shall read aloud distinctly, while the ticket remains in his hands, the name or names voted for thereon, except that a straight ticket may be announced as such and be so counted, and then delivered to the second judge, who shall examine the same and pass it to the third judge, and so on to the fourth, who shall

Opening of ballot-box; counting of ballots.

Excess of ballots to be destroyed.

Minute of destroyed ballots.

Completion of count.

**Proclamation
of result.****Destruction
of ballots
counted.****Preservation
of disputed
ballots.****Making, trans-
mission and
preservation
of returns,
tally-sheets
and poll-
books.****Registration
cities.****Period dur-
ing which
judges and
clerks shall
not separate
or leave
polling place
under penalty.**

preserve it ; and the same method shall be observed in respect to each of the tickets taken out of the ballot-box until all the ballots have been taken out of the ballot-box. The clerks shall enter in separate columns by tallies under or opposite the names of the persons voted for, as provided in the form of tally-sheets, all the votes thus read by the judges. After the examination of the ballots has been completed the number of votes for each person shall be enumerated under the inspection of the judges, and set down as provided in the form of the tally-sheets ; when the result of the ballot is ascertained it shall immediately be announced by one of the judges in front of the polling place, and a copy thereof certified by the judges and clerks posted on the front of the polling place, and a certified copy thereof given to the persons hereinafter designated as being entitled to be present at the counting of the votes. When all these requirements are complied with the judges shall, in the presence of the clerks and the inspectors, destroy by burning the ballots so read and counted, provided, however, if there are any ballots cast and counted or left uncounted concerning the legality of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the deputy state supervisors with the returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom.

(2966-40). Sec. 25. After canvassing the votes, in addition to the requirements of section 8 of the supervisory election law, the judges and clerks in each precinct shall make out the returns of the election in duplicate, sign and certify one of the poll-books and tally-sheets thereof, and immediately transmit the same to the deputy state supervisors by the presiding judge or such other judge as he may designate ; the other poll-book and tally-sheet signed and certified in like manner, shall be forthwith deposited with the clerk of the township or the clerk or auditor of the municipal corporation, as the case may require, by another judge designated by the presiding judge, to be preserved one year after the date of such election. Such returns shall be securely sealed up in an envelope and addressed transversely upon the upper end thereof to the proper officer with whom they are to be deposited, with the designation of the township, precinct and county ; provided, that in registration cities such delivery shall be made as now provided by law. From the time the ballot-box is opened and the count of votes begun, until the votes are counted and the returns made out, signed and certified as required by law, and delivered to the judges selected for such duty for transmission, the judges and clerks of the precincts shall not separate, nor any judge or clerk leave the polling place except from unavoidable necessity, under penalty of a fine of not less than fifty nor more than one hundred dollars.

(2966-52). Sec. 36. The judge of election called by the deputy state supervisors to receive and deliver ballots, poll-books, tally-sheets and other required papers, shall receive two dollars for such service, and in addition thereto mileage at the rate of five cents per mile to and from the county seat if he live one mile or more therefrom. The judge of the election carrying the returns to the deputy state supervisors, and the judge carrying the returns to the county or township clerk, or clerk or auditor of the municipality, shall receive like compensation. Judges and clerks shall each receive as compensation the sum of three dollars for their services for each election day; provided, however, that in cities where registration is required the compensation shall remain as now fixed by law, except that the chairman elected at the meeting for organization shall receive one dollar for calling for the sealed package of ballots.

Compensation
of judges and
clerks of
election.

Registration
cities.

SECTION 5. That section 2 of an act entitled "An act authorizing the issuing of bonds of municipal corporations for enlarging, improving or extending natural gas works, and providing for submitting issuing the same to a vote of the people," passed May 10, 1902, be amended so as to read as follows:

Bonds for
purpose of
improving
natural gas
works.

Sec. 2. Before any such bonds are issued, the question of issuing the same shall be submitted to the voters of the municipal corporation at a general or special election, whenever the council of any municipal corporation shall, by resolution or ordinance, passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, declare it necessary to issue and sell the bonds of such municipal corporation for any of the purposes set forth in section 1 of this act, they shall, by such resolution or ordinance fix the date upon which the question of the issue and sale of such bonds shall be submitted to the electors of such municipality, and shall cause a copy of such resolution or ordinance to be certified to the deputy state supervisors of the county in which such municipal corporation is situated, and such deputy state supervisors shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of such municipal corporation at the time fixed in such resolution or ordinance. Such election shall be held at the regular place or places of voting in such municipal corporation, and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as November elections in such municipal corporation for the election of officers thereof; provided, however, that, when a special election for such purpose is held in a municipal corporation divided into wards, there may be but one voting place in each ward, which shall be designated by the deputy state supervisors of elections, and the notice hereinafter provided for shall designate the voting places in each ward. In all cities in which registration is required, if but one voting place is designated in each ward, certificates of removal shall not be necessary, except where transfers are required from one ward to another,

Question of
issue to be
submitted
to vote.

and the board of deputy state supervisors of all such cities shall issue such removal certificates. Fifteen days' notice of the submission shall be given in one or more newspapers printed therein once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and, if no newspaper is printed therein, the notice shall be posted in a conspicuous place and published once a week for two consecutive weeks in some newspaper of general circulation in the municipal corporation. If two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then, and not otherwise, the bonds shall be issued, and a tax may be levied for the purpose of paying the interest and principal upon such bonds. Those who vote in favor of the proposition shall have written or printed on their ballots, in quotation, "For the issue of bonds;" those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds."

Legal
holiday.

SECTION 6. The first Tuesday after the first Monday in November of each year, from and between the hours of five-thirty o'clock a. m. and nine o'clock a. m., shall be, for election purposes only, a legal part holiday. And no person who is an elector shall be compelled or required to perform any labor between said hours, nor shall any employer or his or its officers or agents discharge any such person because he fails or refuses to labor between said hours, or require or order such employe to accompany him to the voting place of such employe; and any person violating any of the provisions of this act, shall, upon conviction be fined not more than twenty-five dollars.

Unconstitutionality of
one section
shall not in-
validate
others.

SECTION 7. In the event that any section or part of a section included within the provisions of this act shall be held by any court to be invalid or unconstitutional, such decision shall not be held to invalidate or impair the validity, force or effect of any section or part of section of this act, except the section or part of a section so held invalid or unconstitutional by such court.

Repeals.

SECTION 8. That sections 83, 1368, 1369, 1371, 1388, 1397, 1445, 1447, 1448, 1450, 1451, 1453, 1455, 1465, 1476, 1479, 1504, 1608, 1723, 1728, 1729, 1730, 1891, 2837, 2923, 2926, 2926a, 2926b, 2926b-1, 2926c, 2926d, 2926e, 2926f, 2926g, 2926h, 2926hh, 2926i, 2926j, 2926k, 2926l, 2926m, 2926n, 2926o, 2926p, 2926q, 2926r, 2926s, 2926t, 2926u, 2926v, 2926w, 2926x, 2928, 2929, 2935, 2936, 2938, 2949, 2950, and 2966-15 of the Revised Statutes are hereby repealed.

And the following acts or parts of acts are hereby repealed:

Sections 1, 3, 4, 5, 6, and 8 of an act entitled "An act to create a state supervisor of elections with deputy state supervisors for the conduct of elections in the state of Ohio," passed April 18, 1892, and as amended.

Section 1 of an act entitled, "An act to provide for compensation of supervisor of elections of the state of Ohio," passed April 18, 1892. Repeals.

Sections 1, 7, 9, 10, 13, 15, 16, 17, 18, 19, 20, 23, 24, 25, and 36 of an act entitled, "An act amendatory of and supplementary to an act entitled, 'An act to provide for the mode of conducting elections, to secure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain sections therein named, passed April 30, 1891,' passed April 18, 1892," and as amended and supplemented.

An act entitled, "An act to amend section 6a of the act passed April 5, 1894 (91 O. L., p. 118), relating to the conduct of elections," passed April 17, 1896, (92 O. L. 185).

Section 2 of an act entitled, "An act authorizing the issuing of bonds of municipal corporations for enlarging, improving or extending natural gas works, and providing for submitting issuing the same to a vote of the people," passed May 10, 1902.

An act entitled, "An act to regulate the selection of certain township officers," passed May 10, 1902, (95 O. L., p. 476).

An act entitled, "An act to provide for the election of officers in municipal corporations which have failed to elect any for one or more years, and are now without any officers," passed April 2, 1889, (86 O. L., p. 177).

An act entitled, "An act to provide compensations for the members and secretary of boards of election in cities of the first grade of the second class for their services in the conduct of primary elections," passed April 16, 1900, (94 O. L., p. 700).

An act entitled, "An act relative to the compensation of the members of the election board in and for the city of Newark, Ohio," passed April 16, 1900, (94 O. L., p. 668).

Section 1 of an act entitled, "An act to amend an act passed April 21, 1898, entitled, 'An act to re-enact and amend sections 1, 2, 3, 4, 5, and 6 of an act entitled, 'An act to provide a board of elections for certain specified counties,' passed April 12, 1889, (86 O. L., p. 258) as amended April 30, 1891, (88 O. L., p. 468), as amended by section 2 of the act of April 18, 1892, (89 O. L., p. 429), and numbered as sections 2926w-1, 2926w-2, 2926w-3, 2926w-4, 2926w-5 and 2926w-6, in the Revised Statutes of Ohio; and to amend sections 3 and 4 of an act entitled, 'An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio,' passed April 18, 1892, (89 O. L., p. 455), as amended April 25, 1893, (90 O. L., p. 263), as amended April 10, 1896 (92 O. L., p. 145), and numbered as sections 2966-3 and 2966-4 in the Revised Statutes of Ohio; and to amend sections 25 and 37 of the act commonly known as the ballot act, passed April 30, 1891 (88 O. L., pages 448 and 453), as amended April 25, 1893 (90 O. L., pages 276 and 277), and as amended April 10, 1896 (92 O. L., pages 147 and 148), and numbered as sections

Repeals.

2966-40 and 2966-53, in the Revised Statutes of Ohio, and to repeal certain sections and acts herein named," passed April 25, 1898, (93 O. L., p. 361).

Section 37 as re-enacted by section 3 of the preceding act (93 O. L., p. 367).

Section 2 of an act entitled, "An act to amend and supplement section four (4) as amended April 10, 1896, of an act entitled, 'An act to create a state supervisor of elections with deputy state supervisors, for the conduct of elections in the state of Ohio,' passed April 18, 1892," passed April 26, 1898, (93 O. L., p. 353).

An act entitled, "An act to supplement section 4 of an act entitled, 'An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio,' passed April 18, 1892, (O. L., p. 455), as re-enacted and amended April 25, 1898, (93 O. L., p. 361), by the enactment of section 4b," passed April 16, 1900, (94 O. L., p. 304).

An act entitled, "An act to amend section 4a supplementary to an act entitled 'An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio,' passed April 18, 1892, (O. L., p. 455), as re-enacted and amended April 25, 1898, (93 O. L., p. 361), as amended April 16, 1900," passed April 29, 1902, (95 O. L., p. 328).

An act entitled, "An act to provide compensation for the members and clerks of the board of deputy state supervisors of elections of Franklin county, Ohio, for services as circuit and district canvassing officers," passed May 9, 1902, (95 O. L., p. 907).

An act entitled, "An act to fix the salary of members of the board of deputy state supervisors of elections in certain counties," passed May 10, 1902, (95 O. L., p. 924).

Sections 1 and 2 of an act entitled, "An act to supplement sections 4 and 8 of an act entitled, 'An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in Ohio; passed April 18, 1892, (O. L., 89-455), now designated and enforced as sections (2966-4) and (2966-8), respectively, of the Revised Statutes of Ohio, by the enactment of sections 4c and 8a, which shall be respectively designated section (2966-4c) and section (2966-8a), and to repeal section (1545-278) of said Revised Statutes," passed April 15, 1902, (95 O. L., p. 767).

An act entitled, "An act to fix the compensation of deputy state supervisors of elections and clerks," passed October 22, 1902, (96 O. L., p. 13).

Section 4 as re-enacted by section 2 of an act entitled, "An act to amend sections 83 and 3908 of the Revised Statutes and sections 6 and 7, and to supplement section 9 of an act entitled 'An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio,' to re-enact sections 4 and 5, and to supplement sections 6, 21 and 31 of an act entitled, 'An act

amendatory of and supplementary to an act entitled 'An act to provide for the mode of conducting elections to secure the secrecy of the ballot and to prevent fraud and intimidation at the polls, and to repeal certain sections therein named,' passed April 30, 1891, passed April 18, 1892 as amended April 25, 1893, and to repeal certain sections herein named," passed April 5, 1894, (91 O. L., pp. 118-122).

An act entitled, "An act to create an additional legal holiday," passed April 24, 1890, (87 O. L., p. 280).

This act shall supersede all acts or parts of acts not herein expressly repealed which are inconsistent herewith.

SECTION 9. This act, in so far as it provides for abolishing the office of member of city boards of elections, and the city board of elections, and the office of secretary of city boards of elections, and the office of deputy state supervisor of elections, and the board of deputy state supervisors of elections, and the office of clerk of such boards, in counties which contain a city wherein annual general registration of electors is required by this act; and in so far as it provides for creating the office of state supervisor and inspector of elections, and the office of deputy state supervisor and inspector of elections, and the office of clerk of the board of deputy state supervisors and inspectors of elections, and in so far as it defines the duties and powers of such officers, shall take effect upon its constitutional enactment; and for all other purposes this act, and every portion of the same, including a repeal of existing laws, shall take effect on the first day of July, 1904.

When act to
take effect.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

144G

[House Bill No. 365.]

AN ACT

To amend section 1, 2, and 3 of an act entitled, "An act authorizing the levy of taxes in municipalities to provide for firemen's, police, and sanitary police pension relief funds, and to create and perpetuate boards of trustees for the administration of such funds," passed April 23, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That sections 1, 2, and 3 of an act entitled, "An act authorizing the levy of taxes in municipalities to provide for firemen's, police and sanitary police pension or relief funds, and create and perpetuate boards of trustees for the administration of such funds," passed April 23, 1902, be amended so as to read as follows:

Pension
funds:

Trustees of
the fire-
men's pen-
sion fund.

Sec. 1. (a) In any municipal corporation in this state having, or which may hereafter have, a fire department supported in whole or in part at the public expense, the council, board of legislation or other legislative body may, by ordinance, declare the necessity for the establishment and maintenance of a firemen's pension fund for the purpose herein-after enumerated; and thereupon there shall be created a board of trustees in the manner herein provided, who shall be known as "trustees of the firemen's pension fund," and who shall administer and distribute the fund authorized to be raised by this section.

How board
made up.

(b) The board of trustees of the firemen's pension fund shall consist of the members of the board of public safety or other officer having charge or control of the fire department in any municipal corporation availing itself of the provisions of this section, and five other persons, members of the department of such municipal corporation, to be chosen as follows: The board of public safety or other board or officer having charge or control of the fire department shall give notice of an election to be held on the second Monday of the month following the determination of said board or officer to create a firemen's pension fund under the authority of this section; said notice shall be by posting the same in a conspicuous place at the headquarters of said department, and at the houses of the several companies composing the same; each person in the fire department, who, by its rules, is designated as a member thereof, shall, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the day designated, send or cause to be sent, by mail or otherwise, in writing, the name of five persons, members of such department, who shall be the choice of the member so voting; and all votes so cast shall be counted and canvassed by the board or officer having charge or control of the said fire department, who shall announce the result, and the five members of the fire department receiving the highest number of votes shall become members of the board of trustees of the firemen's pension fund for the ensuing year. In case of a tie vote being received by any two members persons for the office of trustee, such tie vote shall be decided by casting lots, or in any other way which may be agreed upon by the persons for whom such tie vote was cast. The members so elected shall serve for one year or until their successors are elected, and the election for such members of the board of trustees shall be held annually upon the second Monday of the same month upon which the first election occurs. In case of a vacancy by death, resignation or otherwise among the five members so elected the remaining member or members so elected shall choose the successor or successors until the next annual election; provided, that upon the petition of a majority of the members of the fire department in any such municipality, the board or officer having charge or control of said department may designate a less number than five members of said

Tie vote.

Term of
members.

Vacancies.

department to be elected trustees of said firemen's pension fund. The presiding officer of the board of public safety or other board having charge or control of the fire department, or the officer in charge or control of said department, shall be president of the board of trustees of the firemen's pension fund created under this section, and the secretary, clerk or corresponding officer of the fire department shall be secretary of such board of trustees of the firemen's pension fund, and in case there be no secretary, clerk or corresponding officer of said fire department, the board of trustees of the firemen's pension fund shall appoint the secretary of their board. It shall be the duty of such secretary to keep a full record of all the proceedings of the board of trustees of the firemen's pension fund, and said trustees may fix his compensation for this work, which shall be paid out of said pension fund.

Officers of
board.

(c) In every municipality availing itself of the provisions of this section, there shall be a firemen's pension fund, which shall be maintained as follows: The council, board of legislation, or other legislative body of such municipality, are hereby authorized to levy annually at the time and in the manner provided by law for other municipal levies, and in addition to all the other levies authorized by law, a tax of not more than three-tenths of a mill on each dollar upon all the real and personal property as listed for taxation in such municipality, and in the manner of such levy the board of trustees of the firemen's pension fund shall be subject to all the provisions of law controlling the heads of departments in any such municipality, and shall fulfill all the duties required of such heads of departments; provided, that a failure of such board of trustees to act in the manner required by law of the heads of departments in any such municipalities in the making of such levy, shall not limit the power of the council, board of legislation or legislative body to make said levy; and provided further that in case the council, board of legislation or other legislative body, shall fail in any year to make the maximum levy herein authorized, then and in that event, there shall, in addition to the amount realized therefrom, be passed to the credit of the firemen's pension fund such portion of the tax raised under an act of the general assembly, passed May 14, 1886, and as amended March 26, 1888, April 28, 1890, and February 20, 1896, and entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," required in said act to be passed to the credit of the general fund in any such municipality, as will equal, when added to the amount realized from said levy, the amount that would be realized from a three-tenths of a mill levy on each dollar upon all the real and personal property as listed for taxation in such municipality, or such part thereof as shall be necessary to meet the pension pay roll; provided that such portion so used of the tax raised under said act of the general assembly aforesaid shall not exceed sixteen-thirtieths

Firemen's
pension fund;
how created.

of the amount of said tax required in such sections to be passed to the credit of the general fund in any such municipality. All fines imposed upon any member of the fire department in any such municipality by way of discipline or punishment by the board or officer having charge or control of said department, and all proceeds of suits for penalties for the violation of any statute of this state, or ordinance of such municipality, with the execution of which the fire department is charged, and license or other fees payable under the same, shall be credited to said pension fund; and the board of trustees of said fund are authorized to take by gift, grant, devise or bequest, any moneys or real or personal property, upon such terms as to the investment or expenditure thereof as may be fixed by the grantor or determined by said trustees. The trustees of the firemen's pension fund may also receive such uniform amounts from each person designated by the rules of the fire department a member thereof as he may voluntarily agree to, to be deducted from the monthly pay of said person, and the monthly amounts so received shall be used as a fund to increase the pension which may be granted to such persons or their beneficiaries.

Who custodian of fund; bond.

(d) The treasurer of every municipality having a firemen's pension fund shall be the custodian of said fund and shall pay out of the same upon the proper order of the board of trustees. Said treasurer shall execute a bond for the faithful performance of his duties with respect to this fund, and in such sum and form as shall be satisfactory to said board of trustees.

How fund invested.

(e) The board of trustees of said pension fund may invest any moneys received by them other than those raised by taxation under this section, in interest bearing bonds of the United States, of the state of Ohio, or of any county, township, school district or municipal corporation in this state. Said board of trustees shall make a report to the council, board of legislation or other legislative body of the municipality of the condition of said fund on the first day of January of each year.

Rules and regulations.

(f) The board of trustees of the firemen's pension fund shall make all rules and regulations for the distribution of said fund, including the qualifications of those to whom any portion of said fund shall be paid, and the amount thereof; provided, that no such rules and regulations shall be in force until the same have been approved by the board of public safety, or other board or officer having charge or control of the fire department in any such municipality.

Who beneficiaries of fund.

(g) All persons drawing pensions or entitled to the same from existing firemen's pension funds, are hereby made beneficiaries in any pension funds created under this section in the same municipality where said persons are beneficiaries in said existing pension funds, and shall remain such, receiving such amounts and subject to the rules and regulations adopted by the board of trustees of said fire-

men's pension fund as aforesaid. Upon the organization of any board of trustees of the firemen's pension fund created under this section, all moneys, credits, investments and property of every kind and description held by existing firemen's pension boards in any municipality where new board are organized under this section, shall by said existing boards be delivered, transferred and conveyed to said new boards, and the said new boards created under this section are hereby made the successors of the existing boards as to the ownership of all such property.

Upon organization, board shall become successor of similar board now existing in any municipality.

Sec. 2. (a) In any municipal corporation in the state having, or which may hereafter have, a police department supported in whole or in part at the public expense, the council, board of legislation or other legislative body may, by ordinance, declare the necessity for the establishment and maintenance of a police relief fund for the purposes hereinafter enumerated; and thereupon there shall be created a board of trustees in the manner herein provided, who shall be known as "trustees of the police relief fund," and who shall administer and distribute the fund authorized to be raised by this section.

Trustees of the police relief fund.

(b) The board of trustees of the police relief department shall consist of the members of the board of public safety, police commissioners or other board or officer having charge or control of the police department in any municipal corporation avail itself of the provisions of this section, and five other persons, members of the police department of such municipal corporation, to be chosen as follows: The board of public safety, police commissioners or other board or officers having charge or control of the police department, shall give notice of an election to be held on the second Monday of the month following the determination of said police commissioners or other board or officer to create a police relief fund under the authority of this section; said notice shall be posted by the same in a conspicuous place at the headquarters of said department and at various station houses within the municipality; each person in the police department, who, by its rules, is designated a member thereof, shall, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon, on the day designated, send or cause to be sent by mail or otherwise, in writing, the names of five persons, members of such department, who shall be the choice of the member so voting; and all votes so cast shall be counted and canvassed by the board of public safety, police commissioners or other board or officer having charge or control of the said police department who shall announce the result, and the five members of the police department receiving the highest number of votes shall become members of the board of trustees of the police relief fund for the ensuing year. In case of a tie vote being received by any two persons for the office of trustee, such tie vote shall be decided by casting lots, or in any other way which may be agreed upon by the per-

How board made up.

Tie vote.

Term of
members.

Vacancies.

Officers of
board.

Police relief
fund; how
created.

sons for whom such tie vote was cast. The members so elected shall serve for one year and until their successors are elected, and the election for such members of the board of trustees shall be held annually upon the second Monday of the same month upon which the first election occurs. In case of a vacancy by death, resignation or otherwise among the five members so elected, the remaining member or members so elected shall choose the successor or successors until the next annual election; provided, that upon the petition of a majority of the members of the police department in any such municipality, the board of public safety, police commissioners or other board or officer having charge or control of said department to be elected trustees of said police relief fund. The presiding officer of the board of public safety, police commissioners or other board having charge or control of the police department, or the officer in charge or control of said department, shall be the president of the board of trustees of the police relief fund created under this section, and the secretary, clerk or corresponding officer of the police department shall be secretary of said board of trustees of the police relief fund, and in case there be no secretary, clerk or corresponding officer of said police department, the board of trustees of the police relief fund shall appoint the secretary of their board. It shall be the duty of such secretary to keep a full record of all the proceedings of the board of trustees of the police relief fund, and said trustees may fix his compensation for this work, which shall be paid out of said relief fund.

(c) In every municipality availing itself of the provisions of this section, there shall be a police relief fund, which shall be maintained as follows: The council, board of legislation or other legislative body of such municipality are hereby authorized to levy annually at the time and in the manner provided by law for other municipal levies, and in addition to all other levies authorized by law, a tax of not more than three-tenths of a mill on each dollar upon all the real and personal property as listed for taxation in such municipality, and in the matter of such levy the board of trustees of the police relief fund shall be subject to all the provisions of law controlling the heads of departments in any such municipality, and shall fulfill all the duties required of such heads of departments; provided that the failure of such board of trustees to act in the manner required by law of the heads of departments in any such municipality in the making of such levy, shall not limit the power of the council, board of legislation, or other legislative bodies, to make said levy; and provided, further, that in case the council, board of legislation or other legislative body, shall fail in any year to make the maximum levy herein authorized, then and in that event, there shall, in addition to the amount realized therefrom, be passed to the credit of the police relief fund such portion of the tax raised under an act, entitled "An act providing against the evils resulting

from the traffic in intoxicating liquors" passed May 14, 1886, and as amended March 26, 1888, and April 28, 1890, and February 20, 1896 and required by said act to be passed to the credit of the general fund in any municipality, as will equal, when added to the amount realized from said levy, the amount that would be realized from a three-tenths of a mill levy on each dollar upon all the real and personal property as listed for taxation in such municipality, or such part thereof as shall be necessary to meet the pension pay roll; provided, that such portion so used of the tax raised by said act, shall not exceed thirteen-thirtieths of the amount of said tax required in said sections to be passed to the credit of the general fund in any such municipality.

All fines imposed on any member of the police department in any such municipality by way of discipline or punishment, by the police commissioners or other board or officers having charge or control of said department, all rewards, fees or proceeds of gifts and emoluments that may be allowed by the police commissioners or other board or officer having charge or control of said police department, to be paid and given for or on account of any extraordinary service of any member of the force, and all moneys arising from the sale of unclaimed property or money, after deducting all expenses incident thereto, shall be credited to said police relief fund; and the board of trustees are authorized to take by gift, grant, devise or bequest, any moneys or real or personal property, upon such terms as to the investment or expenditure thereof as may be fixed by the grantor or determined by said trustees. The trustees of the police relief fund may also receive such uniform amounts from each person designated by the rules of the police department a member thereof, as he may voluntarily agree to, to be deducted from the monthly pay of said person, and the monthly amounts so received shall be used as a fund to increase the pensions which may be granted to such persons or their beneficiaries, or in the discretion of the board of trustees of the police relief fund, the money derived from such monthly deductions may be used to relieve members of the force who contribute thereto, when sick or disabled from the performance of duty, for funeral expenses, relief of their families in case of death or for pensions when honorably retired from the force.

(d) The treasurer of every municipality having a police relief fund shall be the custodian of said fund, and shall pay the same upon the proper order of the board of trustees. Said treasurer shall execute a bond for the faithful performance of his duties with respect to this fund, and in such sum and form as will be satisfactory to said board of trustees.

Who custodian of fund;
bond.

(e) The board of trustees of said police relief fund may invest any moneys received by them other than those raised by taxation under this section in interest bearing bonds of the United States, of the state of Ohio, or of any county, township, school district or municipal corporation

Investment
of fund.

in this state. Said board of trustees shall make a report to the council, board of legislation or other legislative body of the municipality of the condition of said fund on the first day of January of each year.

Rules and regulations.

(f) The board of trustees of the police relief fund shall make all rules and regulations for the distribution of said fund, including the qualifications of those to whom any portion of said fund shall be paid, and the amount thereof; provided, that no such rules and regulations shall be in force until the same have been approved by the board of public safety police commissioners or other board or officer having charge or control of the police department in any such municipality.

Who beneficiaries of fund.

(g) All persons drawing pensions or enjoying or entitled to the same or other relief from existing police [relief] or pension funds are hereby made beneficiaries in any police relief funds created under this section in the same municipality where the same persons are beneficiaries in said existing police pension or relief funds, and shall remain such, receiving such amounts and subject to the rules and regulations adopted by the board of trustees of said police relief fund as aforesaid. Upon the organization of any board of trustees of a police relief fund created under this section, all moneys, credits, investments and property of every kind and description held by existing police pension or relief boards in any municipality where new boards are organized under this section, shall by said existing boards be delivered, transferred and conveyed to said new boards, and the said new boards created under this section are hereby made the successors of the existing boards as to the ownership of all such property.

Upon organization, board shall become successor of similar board now existing in any municipality.

Trustees of the sanitary police pension fund.

Sec. 3. (a) In any municipal corporation in this state, having or which may hereafter have, a sanitary police force, supported in whole or in part at the public expense, the council, board of legislation or other legislative body may, by ordinance, declare the necessity for the establishment and maintenance of a sanitary police pension fund for the purposes hereinafter enumerated; and thereupon there shall be created a board of trustees, in the manner herein provided, who shall be known as the "trustees of the sanitary police pension fund," and who shall administer and distribute the fund authorized to be raised by this section.

How board made up.

(b) The board of trustees of the sanitary police pension fund shall consist of the board or officer having charge or control of the health department in any municipal corporation availing itself of the provisions of this section, and five other persons, members of the sanitary police force of such corporation, to be chosen as follows: The board or officer having charge or control of the health department shall give notice of an election to be held on the second Monday of the month following the determination of said board or officer to create a sanitary police pension fund under the authority of this section; said notice shall be by posting the same in a con-

spicuous place at the headquarters of said force; each person in the sanitary police force, who, by its rules, is designated a member thereof, shall, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon of the day designated, send or cause to be sent, by mail or otherwise, in writing, the names of five persons, members of such sanitary police force, who shall be the choice of the member so voting; and all votes so cast shall be counted and canvassed by the board or officer having charge or control of the said health department, who shall announce the result, and the five members of the sanitary police force receiving the highest number of votes shall become members of the board of trustees of the sanitary police pension fund for the ensuing year. In case of a tie vote being received by any two persons for the office of trustee, such tie vote shall be decided by casting lots, or in any other way which may be agreed upon by the persons for whom such tie vote was cast. The members so elected shall serve for one year and until their successors are elected, and the election for such members of the board of trustees shall be held annually upon the second Monday of the same month upon which the first election occurs. In case of a vacancy by death, resignation or otherwise among the five members so elected, the remaining member or members so elected shall choose the successors until the next annual election; provided, that upon the petition of a majority of the members of the sanitary police force in any such municipality, the board or officer having charge or control of the health department may designate a less number than five members of said sanitary police force to be elected trustees of said sanitary police pension fund. The presiding officer of the board having charge or control of the health department, or the officer in charge or control of said department, shall be president of the board of trustees of the sanitary police pension fund created under this section, and the secretary, clerk, or corresponding officer of the health department shall be secretary of the board of trustees of the sanitary police pension fund, and in case there be no secretary, clerk, or corresponding officer of said health department, the board of trustees of the sanitary police pension fund shall appoint the secretary of their board. It shall be the duty of such secretary to keep a full record of all the proceedings of the board of trustees of the sanitary police pension fund, and said trustees may fix his compensation for this work, which shall be paid out of said pension fund.

Tie vote.

Term of members.

Vacancies.

Officers of board.

(c) In every municipality availing itself of the provisions of this section there shall be a sanitary police pension fund, which shall be maintained as follows: The council, board of legislation, or other legislative body of such municipality, are hereby authorized to levy annually, at the time and in the manner provided by law for other municipal levies, and in addition to all other levies authorized by law, a tax not exceeding one-thirtieth of a mill on each dollar upon

Police relief fund; how created.

all the real and personal property as listed for taxation in such municipality, and in the matter of such levy the board of trustees of the sanitary police pension fund shall be subject to all the provisions of law controlling the heads of departments in any such municipality, and shall fulfill all the duties required of such heads of departments; provided, that a failure of such board of trustees to act in the manner required by law of the heads of departments in any such municipality in the making of such levy, shall not limit the power of the council, board of legislation or other legislative body to make said levy; and provided further, that in case the council, board of legislation or other legislative body, shall fail in any year to make the maximum levy herein authorized, then and in that event there shall, in addition to the amount realized therefrom, be passed to the credit of the sanitary police pension fund such portion of the tax raised under an act passed and amended as aforesaid, required in said act to be passed to the credit of the general fund in any such municipality, as will equal, when added to the amount realized from said levy, the amount that would be realized from one-sixtieth of a mill levy on each dollar upon all real and personal property as listed for taxation in such municipality, or such part thereof as shall be necessary to meet the pension pay roll; provided, that such portion so used, of the tax raised under said sections 4364-9 to 4364-17 inclusive, shall not exceed one-thirtieth of the amount of said tax required in such sections to be passed to the credit of the general fund in any such municipality. All fines imposed upon any member of the sanitary police force in any such municipality by way of discipline or punishment by the board or officer having charge of the health department, and all proceeds of suits for penalties for the violation of any statute of this state, or ordinances of such municipality, with the execution of which the health department is charged, and license or other fees payable under the same, shall be credited to said pension fund; and the board of trustees of said fund are authorized to take by gift, grant, devise or bequest, any moneys or personal property, upon such terms as to the investment or expenditure thereof, as may be fixed by the grantor or determined by said trustees. The trustees of the sanitary police pension fund may also receive such uniform amounts from each person designated by the rules of the sanitary police force a member thereof, as he may voluntarily agree to, to be deducted from the monthly pay of said person, and the monthly amounts so received shall be used as a fund to increase the pension which may be granted to such persons or their beneficiaries.

Who custo-
dian of fund;
bond.

(d) The treasurer of every municipality having a sanitary police pension fund shall be the custodian of said fund and shall pay out the same upon the proper order of the board of trustees. Said treasurer shall execute a bond for the faithful performance of his duties with respect to this

fund, and in such sum and form as shall be satisfactory to said board of trustees.

(e) The board of trustees of said sanitary police pension fund may invest any moneys received by them other than those received by taxation under this section, in interest bearing bonds of the United States, or of the state of Ohio, or of any county, township, school district or municipal corporation in this state. Said board of trustees shall make a report to the council, board of legislation or other legislative body of the municipality of the condition of said fund on the first day of January of each year.

Investment
of fund.

(f) The board of trustees of the sanitary police pension fund shall make all rules and regulations for the distribution of said fund, including the qualifications of those to whom any portion of said fund shall be paid and the amount thereof; provided, that no such rules and regulations shall be in force until the same have been approved by the board or officer having charge or control of the health department in any such municipality.

Rules and
regulations.

(g) All persons drawing pensions or entitled to the same from existing sanitary police pension funds, are hereby made beneficiaries in any pension funds created under this section in the same municipality where said persons are beneficiaries in said existing pension funds, and shall remain such, receiving such amounts and subject to such rules as govern the distribution of said existing sanitary police pension funds. Upon the organization of any board of trustees of a sanitary police pension fund, created under this section, all moneys, credits, investments and property of every kind and description held by existing sanitary police pension boards in any municipality where new boards are organized under this section, shall by said existing boards be delivered, transferred and conveyed to said new boards, and the said new boards created under this section are hereby made the successors of the existing boards as to the ownership of all such property.

Who bene-
ficiaries of
fund.

SECTION 2. That said sections 1, 2 and 3 of an act entitled, "An act authorizing the levy of taxes in municipalities to provide for firemen's, police and sanitary police pension or relief funds, and to create and perpetuate boards of trustees for the administration of such funds," passed April 23, 1902, be and the same are hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 20, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
145G

[House Bill No. 422.]

AN ACT

To authorize the county commissioners to furnish memorial tablets for the graves of deceased soldiers, sailors and marines, and to repeal an act therein named.

Be it enacted by the General Assembly of the State of Ohio:

Upon petition county, commissioners shall procure metal markers for graves of soldiers, sailors and marines buried within limits of petitioners' township or municipality.

SECTION 1. That the board of county commissioners in the several counties of this state shall, upon the petition of any five reputable freeholders of any township or municipality in their county, procure for and furnish to said petitioners, a suitable and appropriate metal marker for the grave of each and every soldier, sailor or marine who served with honor in the military or naval forces of the United States, including those who served in the war of the American revolution, buried within the limits of any such township or municipality, which marker shall be placed on the grave of each such soldier by the said petitioners for the purpose of permanently marking and designating said grave for memorial purposes, and said board of county commissioners shall provide for the payment of the necessary expense of placing and setting said markers.

What petition to contain.

SECTION 2. That in all petitions to the county commissioners, the petitioners shall state in said petition the names of the soldiers buried and the number of such graves in their said township or municipality at the time of petitioning, as well as describe the form and character of the metal marker which they desire to have so placed at such graves.

Repeals.

SECTION 3. That an act to authorize the county commissioners to furnish memorial tablets for graves of deceased union soldiers, passed April 14th, 1900, be and the same is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 21, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
146G

[House Bill No. 453.]

AN ACT

To amend sections 1 and 3 of an act entitled "An act to prevent fraud in the manufacture and sale of imitations of cheese or substitutes for cheese, and to regulate the branding of cheese in the state of Ohio," passed March 3, 1896, and known as sections (4200-21) and (4200-23), Bates' Annotated Ohio Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Adulteration:

SECTION 1. That sections 1 and 3 of an act entitled "An act to prevent fraud in the manufacture and sale of imitations

of cheese or substitutes for cheese, and to regulate the branding of cheese in the state of Ohio," passed March 3, 1896, and known as sections (4200-21) and (4200-23), Bates' Annotated Ohio Statutes, be amended to read as follows:

Sec. 1. Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream with salt, rennet, and with or without harmless coloring matter or containing any fats, oils or grease not produced from milk or cream, shall have the words "filled cheese," and all cheese made exclusively and wholly from milk or cream with salt, rennet, and with or without harmless coloring matter, and containing less than thirty per cent. of pure butter fat, shall have the words "skimmed cheese," stamped, labeled, or marked, in printed letters of plain uncondensed gothic type, not less than one inch in length, so that the words cannot easily be defaced, and upon the side of every cheese, cheese cloth or band around the same, and upon the top and side of every tub, firkin, box or package containing any of said article, substance, or compound. And in case of retail sales of any of said article, substance or compound, not in the original package, the seller shall, by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "filled cheese" or "skimmed cheese," as the case may be, in printed letters of plain, uncondensed gothic type, not less than one inch in length.

Branding of
"filled cheese"
and "skimmed
cheese."

Sec. 3. Whoever, by himself or his agents, sells, exposes for sale, to any person who asks, sends or inquires for cheese, any article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, and containing not less than thirty per cent. pure butter fat, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

Penalty for
selling or
offering imita-
tion when
cheese is
called for.

SECTION 2. Said original sections are hereby repealed and this act shall take effect sixty days after its constitutional enactment.

Repeals, etc.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 21, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.

AN ACT

To amend section 897 of the Revised Statutes of Ohio, as amended April 24, 1893, (O. L. 90, p. 258), and to repeal certain acts and sections of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners:

SECTION 1. That section 897 of the Revised Statutes of Ohio, as amended April 24, 1893, be amended so as to read as follows:

Compensation.

Sec. 897. The annual compensation of each county commissioner shall be determined as follows:

In each county, in which on the twentieth day of December of the preceding year the aggregate of the tax duplicate for real estate and personal property is five million dollars or less, the compensation shall be seven hundred and fifty dollars (\$750.00), and in addition thereto, in each county in which such aggregate is more than \$5,000,000.00, three dollars on each full \$100,000.00 of the amount of such duplicate in excess of said sum of \$5,000,000.00. But in counties where ditch work is carried on by the commissioners, in addition to the salary hereinbefore provided, each county commissioner shall receive three dollars per day for the time they are actually employed in ditch work, the total amount so received for such ditch work not to exceed the sum of three hundred dollars in any one year.

The compensation herein provided shall be paid in equal monthly installments out of the county treasury upon the warrant of the county auditor.

Maximum compensation.

SECTION 2. The compensation provided in the preceding section shall be in full payment of all services rendered as such commissioner. But such total compensation shall not exceed the sum of \$3,500.00 per annum.

Repeals.

SECTION 3. The said section 897, as amended in 90 O. L., p. 258, and section 897a (85 O. L., p. 76, and 92 O. L., p. 327), 897b (89 O. L., p. 57), 897c (92 O. L., p. 433), 897d (90 O. L., p. 206), and 897e (95 O. L., p. 677), and 897f, 897g, 897h, 897j, 897k, as found in vol. 91, Ohio laws, pages 203, 179, 189, 183, and 200 respectively, 897m and 897o (91 O. L., pages 209, 227, 384 and 430 respectively) and 897p, 897q, 897r, 897t, 897u, as found in vol. 92, Ohio laws, pages 5, 75, 105, 117, and 122 respectively, and 897v (92 O. L., pages 139, 143), 897w (92 O. L., pages 140 and 171), 897x (92 O. L., pages 141 and 199), 897y (95 O. L., pages 666 and 684), 897aa (92 O. L., p. 274), 897ab (95 O. L., p. 760), 897-1 (92 O. L., p. 417), 897-2 (O. L., 92, pages 295 and 418 and vol. 95, page 755), 897-3 (92 O. L., page 407), 897-4 (94 O. L., p. 90); also the respective acts relating to the commissioners of Belmont county in 94 O. L., p. 610, and of Noble county in 95 O. L., page 689, and of Gallia county in 95 O. L., p. 765, and of Wood county, in 95 O. L., p. 872, and of Brown county in 95 O. L., p. 920, and all other acts or sections of the Revised Statutes, so far

as they may be inconsistent with the provisions of this act, be and the same are hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 21, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
148G

[House Bill No. 539.]

AN ACT

To amend section 216 of an act of the general assembly passed October 22, 1902, entitled: "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," and in relation to market house commissioners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 216 of an act of the general assembly passed October 22, 1902, entitled: "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," be amended so as to read as follows:

Municipal corporations.

Sec. 216. Whenever any city, or the county in which the city is located, has in contemplation, or in process of construction, buildings for public, municipal or county purposes, within the boundaries of such city, the directors of public service may provide for the employment of three persons to be named by them, of whom at least two shall be architects, and who shall be employed at a salary not exceeding five thousand dollars (\$5000) per annum each, to be fixed by the directors of public service, and paid by the city from the general fund. Such persons shall have, under the supervision of the directors of public service, control of the location of all public, municipal or county buildings, except market house and halls therein, to be erected upon the ground acquired within the limits of the city, and of the size, height, style and general appearance of such buildings and all plans and specifications for the erection of the buildings aforesaid shall be submitted for approval to the persons herein authorized to be employed and approved by them before they are adopted by the authorities engaged in the construction thereof; provided, further, that whenever

Board of supervisors in the erection of public, municipal or county buildings; appointment of by board of public service.

Powers of such board.

Commission
for the erec-
tion of city
hall; appoint-
ment of by
board of pub-
lic service.

Powers and
duties.

any city has in contemplation, or in process of construction, or furnishing, a city hall, the directors of public service may provide for the employment of five citizens of said city, to be named by them, not more than three of whom shall belong to the same political party, who shall constitute a commission, under the supervision and direction of the directors of public service, for procuring the necessary land for the construction and furnishing of such city hall. Said commissioners shall have power, subject to the approval of the directors of public service, to acquire, in the name of the city, by purchase or appropriation, land for city hall purposes, and shall have power to employ architects, and approve plans and specifications.

Organization.

Compensation.

They shall make all contracts necessary for the construction and furnishing of such city hall, which contracts shall be in the name of the city, and shall be made after advertisement and bidding, as provided by law for the making of other municipal contracts, and shall be subject to the approval of the directors of public service. Such commissioners shall select from their number a president, and may appoint a clerk, and such other employes as may be necessary, and, subject to the approval of the directors of public service, fix their compensation, and shall keep a full record of their proceedings. Such commissioners shall each receive such sum, not exceeding five dollars (\$5.00) each per meeting, as the directors of public service may fix, which compensation, however, shall not in any case exceed twelve hundred dollars (\$1200.00) per annum each, and the compensation, of such commissioners, and expenses shall be paid in like manner as the cost of such city hall.

Commission
for erection,
etc., of market
houses, or pub-
lic halls; ap-
pointment of,
by board of
public service.

Compensation.

Clerks, em-
ployes, etc.

Provided, further, that whenever any city has in contemplation or in process of construction, any market house or houses, or public hall in connection therewith, the directors of public service may provide for the employment of three citizens of such city, to be named by them, who shall constitute a commission, which shall have power, subject to the approval of the directors of public service, to contract, in the name of such city, for and supervise the building and furnishing of, any market house or houses or public hall in connection therewith, for such city, and, subject to the like approval, to acquire any lands that may be necessary for such purpose, either by purchase or appropriation in the name of said city in the manner provided by law. Such person so appointed shall receive such compensation, not exceeding five dollars (\$5.00) each for each meeting attended by them, as the directors of public service may fix, which compensation, however, shall in no case exceed twelve hundred dollars (\$1200.00) per annum each. Such commission may appoint a secretary and other necessary employes, and, subject to the approval of the board of public service, fix their compensation, and they may appoint an architect, and adopt plans and specifications for erecting, completing and furnishing such market house or houses or public hall in con-

nection therewith in any such city. The compensation of such commissioners and expenses, shall be paid in like manner as the cost of such buildings.

Provided, further, that any person or persons heretofore appointed by any county or municipal authorities pursuant to the provisions of any act of the general assembly, who, on October 22, 1902, were serving upon any board or commission constituted for the sole purpose of supervising the construction, erection and furnishing of any public building, buildings or other public improvement, which building, buildings, or improvement were on October 22, 1902, in process of construction or of being made, shall continue to act for the purposes for which he or they were appointed, with the power herein granted and no others, until the completion of the building, buildings or improvement in connection with which they were appointed, and thereupon the work so completed shall be turned over to the proper authority of the municipality.

Persons appointed pursuant to certain acts heretofore passed shall continue to act until purposes of appointment are fulfilled.

All gross rentals or other revenues received by any city from any public buildings for the construction of which bonds are outstanding, or from any other public building of the same character, shall be placed, by the auditor and treasurer, in a sinking fund, and shall be applicable to the payment of the principal and interest of any bonds issued by such city for the construction of such building, including the purchase of land, and any city may use and apply any money received from any gas or electric light company under any agreement heretofore or hereafter made, for the purpose of paying interest or principal of any bonds issued by such city for city hall purposes; and for the purpose of providing such further sums as may be necessary to pay the interest on any bonds for any of the purposes herein named, and the principal of the same at maturity, the council shall, in addition to the other levies authorized by law, levy annually a sufficient tax therefor on all property of the city subject to taxation, and such taxes shall be levied and collected as other taxes.

Provisions for the payment of bonds issued for construction of public buildings.

All contracts heretofore entered into by any city for the purposes herein specified and all bonds heretofore issued and sold by any city for any such purposes, shall be and remain valid, legal and binding obligations of such city, and all funds remaining from the sale of any such bonds shall be applied only for the purpose for which such bonds were sold; and any such city shall have power to issue and sell such additional bonds as may be necessary, up to the limit named in said acts, or any of them, for the purposes therein named.

Contracts and bonds heretofore made or issued for purposes herein authorized, declared valid obligations.

Additional bonds authorized.

SECTION 2. That said original section 216 be and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

AN ACT

To amend section 3550a of the Revised Statutes authorizing gas companies to manufacture and supply electricity.

Be it enacted by the General Assembly of the State of Ohio:

Gas and water
companies:

SECTION 1. That section 3550a of the Revised Statutes of the state of Ohio be and the same is hereby amended so as to read as follows:

Gas com-
panies and
electric com-
panies may
manufacture
and supply
both electric-
ity and gas.

Sec. 3550a. Every corporation organized under the laws of this state to manufacture and supply artificial gas for light, heat and power purposes or for any of such purposes, and every corporation organized under the laws of this state to manufacture and supply electricity for light, heat and power purposes or for any of such purposes, shall, in addition to all powers heretofore conferred, have power, subject, however, to statutory provisions in force relating to the granting of franchises by municipalities for either of said purposes at the time of the granting of the franchise, to manufacture and supply electricity and artificial gas, respectively, for light, heat and power purposes and to make all contracts, and do all things necessary and convenient for furnishing the same for both public and private objects; provided nothing herein shall be held to confer any right to engage in any such business or to erect or maintain any structures in any streets, alleys or public places without the consent of the municipality in which the same are to be constructed, nor until all the conditions and requirements of section 3551 of the Revised Statutes have been complied with, and all ordinances and resolutions heretofore passed by any municipal corporation, and all contracts heretofore made by and between any municipality and any company so organized to manufacture and supply gas, which were and still are intended to provide for supplying electricity for any municipal purpose and as to which the time of performance has not commenced to run or has not expired, shall be as valid and binding as if this statute had been in force when any such ordinance or resolution was passed or any such contract was made.

Repeals.

SECTION 2. That said section 3550a be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.
Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
150G

[House Bill No. 296.]

AN ACT

To amend section 773 of the Revised Statutes of Ohio relating to the detention and discharge of inmates of the girls' industrial home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 773 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 773. A girl duly committed to the home shall be kept there disciplined, instructed, employed and governed under the direction of the trustees, until she is either reformed or discharged, or bound out by them according to their by-laws, or has attained the age of twenty-one years; but the trustees, with the approval of the governor, after a full statement of the cause, shall have the right to discharge and return to the parents, guardian or probate judge of the county from which she was committed, who may place her under the care of the infirmary directors of said county, any girl who, in their judgment, ought for any cause to be removed from the home, and in such case the trustees shall enter upon their record the reason for her discharge, a copy of which record, signed by the secretary, shall be forthwith transmitted to the probate judge of the county from which the girl was committed; but the superintendent may, with the approval of the full board of trustees, receive back into the home any girl under twenty-one years of age, who may have been discharged from said home, when the best interests of said girl demand it. Any inmate of the girls' industrial home who escapes from said institution may, if captured before the expiration of the time for which she was committed, be returned to the home by the trustees of the institution and there kept for a period not to exceed one year in addition to the time for which she was committed, at the option of said trustees. Provided, however, the time shall not exceed in the aggregate the time for which she was committed.

SECTION 2. That said section 773 of the Revised Statutes of Ohio be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

151G

Girls' industrial home:

Detention and discharge.

Return after discharge.

Repeals.

[House Bill No. 376.]

AN ACT

To amend section 4451a of the Revised Statutes, relating to ditch notice and copies thereof.

Be it enacted by the General Assembly of the State of Ohio:

County
ditches:

SECTION 1. That section 4451a of the Revised Statutes of Ohio be amended so as to read as follows:

Notice of
filing of peti-
tions; day for
hearing; notice
and copies of
said notice.

Sec. 4451a. (Notice of filing of petition; day for hearing; notice and copies of said notice.) Said auditor shall thereupon give notice to the commissioners of the filing of said petition, together with a copy thereof. He shall fix a day for the hearing of the same, not more than thirty days from the date of said notice. The auditor shall prepare and deliver to said petitioners, or any one of them, a notice in writing directed to the lot or land owners and to the corporations either public or private affected by said improvement, setting forth the substance, pendency and prayer of such petition. And the auditor shall also prepare copies of said notice, for which he shall receive six cents per one hundred words, but in no case more than twenty-five cents for any one notice, one of which shall be served upon each lot or land owner or left at his or her usual place of residence and upon an officer or agent of each public or private corporation having its place of business in the county at least fifteen days before the day set for hearing, and the person who serves such notices shall make return on the notice, under oath, of time and manner of service, and file the same with said auditor on or before that day. The person serving said notices shall receive two dollars for each day actually employed in said service. Said auditor shall at the same time give a like notice to each nonresident lot or land owner by publication in a newspaper printed and of general circulation in the county, at least two weeks before the day set for hearing, which notice shall be verified by affidavit of the printer, or other person, knowing the fact, and filed with said auditor on or before that day, and no further notice of said petition or the proceedings had under the same shall thereafter be required.

Auditor's
compensation.

Compensation
for serving
notice.

Repeals.

SECTION 2. That said original section 4451a of the Revised Statutes of Ohio is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

152G

[Senate Bill No. 141.]

AN ACT

For relief for county treasurers and county commissioners.

WHEREAS, Certain counties in Ohio are, and have been receiving delinquent and forfeited taxes, collected under contracts entered into between the county treasurers and county commissioners of said counties, and certain suitable persons under supposed authority invested in them by section 1104, Revised Statutes of Ohio, as amended April 4, 1902, and

Preamble.

WHEREAS, The terms of such contracts were made to cover all delinquent and forfeited taxes found charged against lands appearing on delinquent and forfeited duplicates of the date of such contracts, and

WHEREAS, It was the opinion of the attorney-general of the state, and the decision of common pleas and circuit courts that said section 1104, Revised Statutes of Ohio, as amended April 4, 1902, authorized such contracts, and

WHEREAS, The parties so contracted with did at great expense and labor perform the services contemplated under said contracts, and collected taxes regarded as desperate claims, by which services, the state, the counties and the municipalities interested were materially benefited, and

WHEREAS, Commissions on the entire amount of delinquent and forfeited taxes so collected and turned into the several county treasuries according to the terms of the several contracts, have been paid or set apart to be paid, and

WHEREAS, The supreme court of the state of Ohio, has recently decided that said section 1104, Revised Statutes of Ohio, as amended April 4, 1902, only authorized a contract for taxes delinquent and forfeited prior to 1899; now therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The board of county commissioners of any county is hereby authorized and empowered to pay out of the delinquent and forfeited taxes so collected and turned into county treasury under such contracts, commissions on the full amount of such taxes according to the percentage terms of such contracts, and such allowances shall be apportioned ratably by the county auditor among all the funds entitled to share in the distribution of such taxes, and all allowances heretofore made by the board of county commissioners, or county treasurer under such contract for collecting delinquent and forfeited taxes, under section 1104, Revised Statutes of Ohio, as amended April 4, 1902, are hereby authorized and approved; provided, however, that

County commissioners authorized to pay commission for collecting delinquent and forfeited taxes.

such allowance made did not exceed the percentage amount allowed by section 1104, as amended April 4, 1902.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 20, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
153G

[House Bill No. 504.]

AN ACT

To amend section 3 of an act entitled "An act to provide for the cleaning out and keeping in repair of public ditches, drains and watercourses, and to repeal an act passed April 13th, 1900, entitled "An act to provide for the cleaning out and keeping in repair of public ditches, drains and watercourses, and to repeal sections 4496, 4497, 4497a, 4498, 4553, 4554, 4555, 4556, 4584-1, 4584-2, 4584-3, 4584-4, 4584-5, 4584-6, 4584-7, 4584-8, 4584-9, 4584-10, 4584-11, 4584-12, 4584-13," passed April 15, 1902, relative to cleaning ditches.

Be it enacted by the General Assembly of the State of Ohio:

Removal of
drift:

SECTION 1. That section 3 of an act entitled "An act to provide for the cleaning out and keeping in repair of public ditches, drains and watercourses and to repeal an act passed April 13th 1900, entitled "An act to provide for the cleaning out and keeping in repair of public ditches, drains and watercourses, and to repeal sections 4496, 4497, 4497a, 4498, 4553, 4554, 4555, 4556, 4584-1, 4584-2, 4584-3, 4584-4, 4584-5, 4584-6, 4584-7, 4584-8, 4584-9, 4584-10, 4584-11, 4584-12, 4584-13 of the Revised Statutes of Ohio, passed April 15th 1902, be amended so as to read as follows:

Procedure in
case applicant
is a resident
owner.

Sec. 3. Provided, however, that when a ditch needs to be cleaned out, any resident owner of any tract of land which was assessed for the construction may make a sworn statement to the county auditor, in writing, setting forth such necessity. And said county auditor shall forthwith notify the county surveyor to examine the said ditch, who shall go without unnecessary delay, upon the line thereof, and make an estimate of the amount of money required therefor and fix a portion thereof that the owner of said tract of land and each corporation, county or township assessed for the construction of the ditch, shall be assessed for such cleaning out; and such assessment shall be made according to the benefits; unless the necessity for the cleaning out arose from the act or neglect of some land owner or corporation, in which case such act or neglect shall be considered. Said county surveyor shall return his estimate and assessment to said auditor in writing, who shall appoint a day for hearing same, and direct said

Assessments
shall be
according to
benefits; ex-
ception.

county surveyor to give notice thereof to each owner of land and corporation affected thereby when said auditor may make such changes therein as he may deem right and proper; he shall enter upon the journal to be kept for that purpose the assessment as approved by him and he shall place such assessment upon the duplicate against the land, upon which they are assessed, to be collected as other taxes; the work of cleaning out the ditch shall be advertised, sold and let, and the contract therefor performed, as provided in this chapter; the contractor shall be paid by warrant of the county auditor upon the county treasurer, out of any funds in the treasury applicable to such purposes. When the whole contract is completed, the entire price may be paid in the manner aforesaid.

Contract to be
let after adver-
tisement.

SECTION 2. That said original section 3 be and the same is hereby repealed.

Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
154G

[House Bill No. 129.]

AN ACT

To amend section 2479 of the Revised Statutes, limiting the power to change prices of electricity and gas after such prices are fixed by municipal corporations and accepted.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2479 of the Revised Statutes (numbered 1536-568 of Bates' Annotated Ohio Statutes, fourth edition) be and the said section is hereby amended so as to read as follows:

Gas and
electric com-
panies and
plants:

Sec. 2479. In case the council fixes the price at which it shall require any company to furnish electricity or either natural or artificial gas to the citizens, or public buildings, or for the purpose of lighting the streets, alleys, avenues, wharves, landing places, public grounds or other places or for other purposes, for a period not exceeding ten years, and the company or person so to furnish such electricity or gas shall assent thereto, by written acceptance, filed in the office of the clerk of the corporation, it shall not be lawful for the council to require such company to furnish electricity or either natural or artificial gas, as the case may be, at a less price during the period of time agreed on, not exceeding ten years, as aforesaid; and every ordinance or resolution heretofore passed by any municipal corporation fixing a minimum price for furnishing electricity or either natural or artificial gas as aforesaid, which has been assented to by any company or

Minimum
price at
which com-
pany shall fur-
nish electric-
ity or gas
not to be
reduced during
term agreed
upon.

person by written acceptance filed in the office of the clerk of the corporation, shall be as valid and said price shall be as binding as if this act had been in force when any such price was in terms so fixed and accepted.

Repeals, etc.

SECTION 2. That said section 2479 be and the same is hereby repealed; and that this act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
155G

[Senate Bill No. 83.]

AN ACT

To prevent loss of life in public halls and theaters.

Be it enacted by the General Assembly of the State of Ohio:

Public halls
and theaters
to be provided
with diagrams
of aisles and
exits for
guidance of
audience in
case of fire.

SECTION 1. That whoever, being the owner or lessee, or having control as an officer, agent or otherwise, of any opera house, theater or hall, permits the same to be used for the purpose of public assemblies without having in a conspicuous place for distribution a diagram of the aisles and all exits of the place, each floor to be shown separately, with instructions designated on said diagram for the guidance of audiences in case of fire or other casualties, shall be fined not more than one thousand dollars and not less than twenty-five dollars for each and every offense; provided, however, that it shall be sufficient to print such diagram in programs, on separate pages thereof unencumbered by other matter, to which, in addition, attention must be called by notice printed over the program proper; the diagram provided for in this section to be drawn upon a scale of not less than twenty feet to the inch.

Exits to be
made conspic-
uous and illu-
minated.

SECTION 2. That whoever, being the owner or lessee, or having control as an officer, agent or otherwise, of any opera house, theater or hall having a seating capacity of seven hundred and fifty or more, each seat space computed at twenty by thirty inches, permits the same to be used for the purpose of public assemblies without having stationed at each outside exit during the entire time of every program rendered a male person of the age of eighteen years or upwards, and having each and every outside exit during the entire time of every program rendered a male person of the age of eighteen [years] or upwards, and having each and every outside exit thereof painted or lettered "exit," each letter to be not less than six inches in length

and three inches in breadth, and each "exit" to be illuminated by an electric light to be operated on a circuit independent of any other lights and to be operated from the box office in said building; or by a gas light fed by an independent pipe from the front or end of the building opposite the stage and disconnected from any other pipe supplying such building, or in case there is neither electrical light or gas light in the municipality or township in which such building is located, there may be used a lamp or lantern in which nonexplosive oils as a fuel must be used, and each of said lights to show a red light; the switchboard of such electric light and stopcock for the gas to be enclosed securely under lock and key; shall be fined not more than one thousand dollars nor less than twenty-five dollars.

SECTION 3. That whoever, being the owner or having control as an officer, agent, or otherwise of an opera house, theater, or hall having a seating capacity of seven hundred and fifty or more, each seat space being computed as twenty by thirty inches, permits the same to be used for the purpose of public assemblies without having an asbestos or steel stage curtain of standard quality that will stand a fire test satisfactory to the officers named in section five hereof, said curtain to lap over the stage opening the sides and top not less than twelve inches; to have attached to said curtain at top and bottom, the full width of the curtain, iron gas piping not less than one and one-half inches inside diameter; all guide wires of such curtain to be of steel and to be not less than one-fourth inches in diameter; and without having a proscenium wall in each of such buildings either of brick or other fire proof material in a manner satisfactory to the officers named in section five hereof; and the opening in said proscenium wall other than the stage opening, to be provided with fire proof doors, shall be fined not more than one thousand dollars nor less than twenty-five dollars for each and every such offense.

Asbestos or steel curtain to be provided.

Proscenium wall.

SECTION 4. That whoever, being the owner or lessee or having the control as an officer, agent or otherwise, of any opera house theater or hall having a seating capacity of seven hundred and fifty or more, computing each seat space at twenty by thirty inches permits the same to be used for the purpose of public assemblies or allows any wire, light, reflector, scenery or any other thing whatsoever to stand in or across the space that the asbestos curtain, required by section 3 of this act, would need for its complete downward passage shall be fined not more than one thousand dollars nor less than twenty-five dollars.

Penalty for use of opera house for purpose of public assembly.

SECTION 5. It shall be the duty of the mayor, chief of fire department and building inspector of any municipal corporation, or if such corporation has no chief of police or building inspector, then the mayor and two members of council, and in townships, the trustees thereof to carefully make an examination of the buildings described in sections 1 and 2 of this act, to ascertain whether the provisions of this act have been complied with; and if upon such examination it

Examination of theaters and halls and certificate of compliance.

is found that such building is arranged and provided for in all things as required by the provisions of this act, then such mayor, chief of police and building inspector or such mayor and members of council or the trustees of the township shall issue to the owner or person having control of the building described in this act a certificate of such fact, which shall continue in force one year; provided, however, that in case such officers shall find upon examination or inspection that any building or structure described in this act is not properly arranged as herein provided, they shall notify the owner, lessee, officer having control, agent or otherwise of such structure or building of such fact, and it shall be the duty of the mayor of a municipality, with the aid of the police or of the prosecuting attorney with the aid of the sheriff, to prohibit the use of such building for the assemblage of people until the necessary changes have been made, whereupon a certificate shall be issued to the owner, lessee or manager of such building as first provided in this section. Provided that nothing in this act shall be held to apply to buildings known as open air or summer theaters located in parks or other public places, in which all the seats are upon the first or ground floor and in which the auditorium is entirely open at the sides.

This act not to apply to open air or summer theaters.

Power of council to regulate.

When in effect.

SECTION 6. The council of any municipal corporation may make such further regulations as it may consider necessary for public safety.

SECTION 7. This act shall take effect on September 1st, 1904.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.
156G

[House Bill No. 161.]

AN ACT

To amend sections 3817 and 3818 of the Revised Statutes of Ohio, relative to state banks making report to the auditor of state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3817 and 3818 of the Revised Statutes of Ohio be and the same are hereby amended so as to read as follows:

Sec. 3817. Every banking institution, or corporation engaged in the business of banking in this state, shall make not less than two reports each year to the auditor of state as provided in the next section showing the condition thereof at

Savings and loan associations:

Banking companies must make reports to auditor of state.

the close of business on any past day specified by said auditor of state; but institutions known as building and loan associations, organized and conducted under the statutes for such institutions and not doing a banking business shall not be required to make such reports.

Sec. 1318 [3818]. The auditor of state shall issue a requisition upon each of such institutions, for the reports required to be made by the preceding section, upon receipt of which it shall immediately forward to the auditor a balanced report of its condition verified by the oath or affirmation of one or more of its officers, and shall also publish such report in full at its own expense, in a newspaper published at the place where the institution is located, or if there is no newspaper published at that place, then in the one nearest thereto; if any such institution neglects to comply with these provisions it shall be subject to a penalty of thirty dollars for each day's delay, after the expiration of five days from the time any such report is required to be made, which penalty may be collected by a suit to be brought by the auditor of state, or by any creditor of the association, before any court of competent jurisdiction in the district wherein such institution is located; and all sums of money collected for penalties in this section shall be paid into the treasury of the state.

Auditor to
require such
report;
penalty.

Publication
of report.

SECTION 2. That said original section 3817 and 3818 be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,

Passed April 19, 1904. *President of the Senate.*

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.

157G

[House Bill No. 202.]

AN ACT

Supplementary to an act entitled, "An act to provide for the improvement of public roads," O. L. Vol. 94, page 96, to provide for the joint action of county commissioners for the improvement of county and state line roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sections be enacted supplementary to an act entitled, "An act to provide for the improvement of public roads," laws of April 4th, 1900, O. L., Vol. 94, page 96, with sections as herein provided.

County roads:

Sec. 1a. When the road proposed to be improved is along the county line between two or more counties of this state, a copy of the petition certified to by the commissioners of the county in which the original is on file, shall be filed

Joint action
of county com-
missioners for
improvement
of county
line roads.

with the commissioners of each of the several counties along the line of which the proposed road is to be improved. The several boards of county commissioners shall go upon the line of such road at a time to be agreed upon by the boards and shall act jointly (in the same manner and form as though they were one and the same board), as provided in section 1, of an act to which this act is supplementary, excepting the expense shall be divided between the counties or townships thereof, along which such improvement may be in whole or in part, in the proportion as the distance along such township or county, bears to the whole distance to be so improved. And the amount of expense so falling upon the several counties, or townships thereof, shall be assessed by the commissioners of said counties, separately, in the same manner and form as though the improvement was wholly in one and the same township, or county, as provided in section 1, of an act to which this act is supplementary. The counting of the signatures on the petition of residence of their respective counties, may be done separately, or jointly, at the will of the joint board. But a majority of all, as provided in section 1 of an act to which this act is supplementary, shall be sufficient for action thereon. And a majority of the joint board in favor of the improvement, shall be sufficient for the construction of the proposed improvement.

Same.

Sec. 2a. The county commissioners of each of the several counties along which the proposed road improvement is to be built shall act jointly, in the same manner and form as provided in section 2 of an act to which this act is supplementary, excepting, all of the original papers shall be kept on file in the county in which the original petition is on file, and copies thereof certified to by the commissioners of the county in which the original are on file, shall be filed with the commissioners of each of the other counties along which the proposed road is to be improved. And notice of the letting of the work shall be published in a newspaper printed in each of the counties, in the same manner as provided for such publication in section 2 of an act to which this act is supplementary.

How improvement made.

Sec. 3a. Whenever the proposed road improvement shall extend along the county line between two or more counties of this state, all of the provisions of section 3 of an act to which this act is supplementary, shall apply to each of the several counties along which the road is proposed to be improved, excepting, all of the original papers, and copies thereof, shall be filed in the same manner as provided in section 2a of this act, and shall be kept on file in the auditor's office as provided in section 3 of an act to which this act is supplementary. The county commissioners of each of the counties shall have power to act separately to determine the amount of assessment, and to decide any objections thereto, on all property lying within their respective counties, in the same manner and form as provided in section 3 of an act to which this act is supplementary. And

all objections to the assessment shall be filed with the commissioners of the county in which the land lies.

Sec. 4a. The county commissioners of the county in which the original petition is on file shall cause the auditor of said county to keep a complete record of the proceedings in accordance with section 4 of an act to which this act is supplementary, excepting of the amount belonging to the other county or counties to pay, only the aggregate amount shall be required to be kept. And copies of all profiles, plates, and specifications, certified to by the commissioners, shall be filed with the commissioners of each of the other counties along the line of such proposed road improvement, to be kept on file by the auditor of each of said counties. And the auditor of each of the several counties shall keep an accurate account of the receipts and expenditures of money belonging to their respective counties under the provisions of this act. And no money shall be drawn from the treasury belonging to the funds raised by the provisions of this act except in compliance with the provisions of section 4 of an act to which this act is supplementary.

Record of proceedings to be kept by auditor.

Sec. 5a. Whenever the proposed road improvement extends along the county line between two or more counties of this state, the county commissioners of each county, along which such road is proposed to be improved, are hereby authorized to levy a tax for the payment of all costs and expenses belonging to their respective counties under the provisions of section 1a of this act, and in compliance with the provisions of section 5 of an act to which this act is supplementary.

Tax levy.

Sec. 6a. Whenever the proposed road improvement extends along the county line between two or more counties of this state, the provisions of section 6 of an act to which this act is supplementary, are hereby extended to each of the respective counties along which such road improvement is proposed. And the county commissioners of each of such counties are hereby authorized to act under, and in compliance with said section 6.

Bonds may be issued.

Sec. 7a. Whenever the proposed road improvement extends along the county line, between two or more counties of this state, the provisions of section 7 of an act to which this act is supplementary, are hereby extended to each of the counties along which the road is proposed to be improved.

When person signs both petition and remonstrance.

Sec. 8a. Whenever the proposed road improvement extends along the line between this state and any other state, or states, having just and adequate laws to provide for the payment of such a share of the expense as would fall upon such state or states under the provisions of section 1 of this act, the county commissioners of any county or counties along which such road is proposed to be improved, are hereby authorized to act jointly with the legally authorized authorities of such state or states, in the same manner and form as is provided in this act for county line roads.

Joint action for improvement of state line roads.

Share of
expense to be
equitable.

Sec. 9. No township or county shall be held for more than its just and equitable share of expense under the provision of section 1 of this act, for the improvement of either county or state line roads.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 20, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
158G

[House Bill No. 95.]

AN ACT

To amend section 135 of an act entitled: "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Municipal
corporations.

SECTION 1. That section 135 of an act entitled: "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be and the same is hereby amended to read as follows:

Treasurer;
election, term,
qualifications,
powers and
duties.

Sec. 135. The treasurer shall be elected for a term of two years, and shall serve until his successor is elected and qualified. He shall be an elector of the corporation. The powers and duties of the treasurer shall be such as are provided in sections 1767, 1768 and 1769, of the Revised Statutes of Ohio; such as are provided in this act, and all other acts or parts of acts applying to all cities of the state and not inconsistent with this act.

Deposit of
moneys.

The treasurer, upon giving bond as required by the council, may, by and with the consent of his bondsmen, deposit all funds and public moneys of which he has charge in such bank or banks, situated within the county, which may seem best for the protection of said funds, which said deposit shall be subject at all times to the warrants and orders of the treasurer required by law to be drawn, and all profits arising from said deposit or deposits shall inure to the benefit of said funds, provided that such deposit shall in no wise release the treasurer from liability for any loss which may occur thereby.

The council shall have authority to provide by ordinance for the deposit of all public moneys coming into the hands of the treasurer, in such bank or banks, situated within the county, as may offer, at competitive bidding, the highest rate of interest and give a good and sufficient bond issued by a surety company authorized to do business in Ohio, or furnish good and sufficient surety, in a sum not less than twenty per cent in excess of the maximum amount at any time to be deposited; provided, that there shall not be deposited in any one bank an amount in excess of the paid in capital stock and surplus of such bank, and not in any event to exceed one million (\$1,000,000.00) dollars and to determine in such ordinance the method by which said bids shall be received, the authority which shall receive them, and which shall determine the sufficiency of the security offered, the time for the contracts for which deposits of public money may be made, and all details for carrying into effect the authority here given, provided that all such proceedings in connection with such competitive bidding and the deposit of money shall be conducted in such manner as to insure full publicity, and shall be open at all times to the inspection of any citizen; and provided further, that as to any deposits made under authority of an ordinance of the council, pursuant hereof, neither the treasurer nor his bondsmen, if the treasurer has exercised due care, shall be liable for any loss occasioned thereby.

SECTION 2. That section 135 of said act of October 22, 1902, be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 20, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
159G

[House Bill No. 515.]

AN ACT

To amend sections 3, 5, 6, 8 and 10 of an act entitled, "An act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting under the administration of the auditor of state," passed May 10th, 1902, volume 95, O. L., 511.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3, 5, 6, 8 and 10 of an act entitled, "An act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting under the admin-

Auditor of
state; bureau
of inspection
of public
offices.

istration of the auditor of state," be and the same are hereby amended to read as follows:

**Separate
accounts.**

"Sec. 3. (Separate accounts.) Separate accounts shall be kept for every appropriation or fund made by a taxing body, showing date and manner of each payment made out of the funds provided by such appropriation, the name, address and vocation of each person, organization, corporation or association, to whom paid, and for what purpose paid. Separate accounts shall be kept for each department, public improvement, undertaking, institution and public service industry under the jurisdiction of every taxing body, and of the state, and all service rendered by, or property transferred from one department, public improvement, undertaking, institution or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution or public service industry receiving the same, and no department, public improvement, undertaking, institution or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another department, public improvement, undertaking, institution or public service industry. All unexpended balances or appropriations shall be transferred to the fund from which appropriated whenever the account with an appropriation is closed.

**Comparative
statistics.**

Sec. 5. (Comparative statistics.) The auditor of state through said bureau shall require from every taxing district and public institution financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by him, which shall be uniform for all accounts of the same class, which said reports shall be prepared, certified and filed with said bureau within thirty days after the close of each fiscal year by the auditing department of said taxing district or public institution. Such reports shall contain an accurate statement in summarized form, of all collections made by or receipts received by the officers from all sources, all accounts due the public treasury but not collected, and of all expenditures for every purpose and by what authority authorized, and also:

**Reports to
auditor, when
to be made.**

(a) A statement of all costs of ownership and operation and of all income of each and every public service industry owned and operated by a municipality.

(b) A statement of the entire public debt of every taxing district to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, the provisions made for the payment of the debt, together with such other information as may be required by the auditor of state. Such reports shall be certified as to their correctness by said auditor of state, his deputies, or by a state examiner, or other person legally authorized to make such certificate.

Their substance shall be published in an annual volume of comparative statistics that shall be issued for each class

of accounts at the expense of the state as a public document, and shall be submitted by the auditor of state to the governor for transmittal to the legislature at the next regular session, or at a special session when required.

Sec. 6. (Duty of public officers.) It shall be the duty of every public officer and employe to keep all accounts of his office in the form prescribed and to make all reports required by the auditor of state. Refusal or neglect to perform these duties shall be deemed an offense against the efficiency of public administration and the welfare of the people, and shall be punished by removal from office, after trial and conviction by a court of competent jurisdiction. Every public officer and employe whose duty it is to collect or receive payments due the public shall deposit all public moneys collected or received by him with the treasurer of the taxing district once every twenty-four consecutive hours. In case a public officer or employe collects or received funds for the account of a taxing district of which he is not an officer or employe, he shall during the Saturday of each week, pay to the proper officer of the taxing district for account of which the collection was made or payment received, the full amount collected or received during the current week for the account of such taxing district.

Duty of
public officers.

Sec. 8. (Powers of auditor of state.) The auditor of state, a deputy inspector and surveyor, and every state examiner shall have power by himself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer, and shall make such examination at least once a year. On every such examination inquiry shall be made as to the financial conditions and resources of the taxing district; whether the constitution and statutory laws of the state, the ordinances and orders of the taxing district and the requirements of the bureau of inspection and supervision of public offices have been properly complied with; and into the methods and accuracy of the accounts and reports. The auditor of state, his deputies, every state examiner and every person legally appointed to perform such service, shall have and may exercise all the authority to issue subpoena and compulsory process and to direct the service thereof by any constable or sheriff, to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, to administer oaths and to punish for disobedience of subpoena, or refusal to be sworn or to answer as a witness, or to produce books and papers, which is conferred by law upon courts or officers authorized to take depositions. Wilful false swearings in such examinations shall be perjury, and shall be punishable as such. A report of such examination shall be made in duplicate, one copy to be filed in the office of the auditor of state and one in the auditing department of the taxing district reported upon. If any such examination discloses malfeasance, misfeasance or non-feasance in office on the part of any public officer or em-

Powers of
auditor of
state.

ploye, an additional copy of such report shall be made and forwarded to the proper legal authority of the taxing district for such legal action as is proper in the premises. Refusal, neglect or failure on the part of the proper legal authority of the taxing district to take prompt and efficient legal action by civil process to carry into effect the findings of any such examination or to prosecute the same to a final conclusion, shall give to the auditor of state, through the attorney-general's department of state, the right to institute the necessary civil proceedings or to participate therein, and to prosecute the same in any of the courts of the state to a final conclusion.

**Expense of
audit.**

Sec. 10. (Expense of audit.) The expenses of auditing public accounts shall be borne by each taxing district for the auditing of all accounts under its jurisdiction, and the auditor of state is hereby authorized and empowered to certify the expense of such audit to the auditor of the county in which said taxing district is situated, who shall promptly issue his warrant on the county treasurer payable out of the general fund of the county, said fund, except as to auditing the financial affairs and making inspections and examinations of the county, to be reimbursed by the county auditor out of the moneys due said taxing district at the next semiannual settlement of the collection of taxes.

Repeals.

SECTION 2. That said original sections 3, 5, 6, 8 and 10 of said original act be, and the same are hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 20, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

160G

[House Bill No. 101.]

AN ACT

To provide for the safety of the employes of railroad companies by regulating the location of certain objects along the line of railroad tracks with reference to the nearness of said objects thereto.

Be it enacted by the General Assembly of the State of Ohio:

**Mail cranes
or live stock
chutes along
railway tracks
shall not be
erected so as
to approach
nearer than
eighteen
inches to cab
of widest
locomotive
used on such
railroad.**

SECTION 1. That no person, firm or corporation, owning, operating or controlling any railroad running through or within the state of Ohio, shall erect or permit to be erected, place or maintain along the line of said railroad, any mail crane or live stock chute, any portion of which shall approach nearer than eighteen inches to the nearest point of contact with the cab of the widest locomotive that is now or hereafter may be operated or used on such railroad.

SECTION 2. Any person, firm or corporation who shall violate the provisions of the foregoing section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000). Penalty.

SECTION 3. This act shall take effect and be in force on and after July 1st, A. D. 1905. When act to take effect.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
161G

[House Bill No. 41.]

AN ACT

To amend sections 2833 and 4215 of the Revised Statutes of Ohio, providing a uniform disposition of the special fund created by the tax on dogs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2833 and 4215 of the Revised Statutes of Ohio be, and the same hereby are, amended so as to read as follows: Levying taxes:

Sec. 2833. (Tax on dogs: Distribution.) In the tax list duplicate there shall be collected for the number of and per capita tax on dogs, and in addition to the proper tax on any valuation that may be fixed upon dogs by the owners, which shall be included with the personal property valuation, and taxed therewith, the auditor shall levy one dollar on each male, and spayed female dog, and two dollars on each unsplayed female dog, which per capita tax shall constitute a special fund to be disposed of in the payment of sheep claims as provided in section 4215: And if, after paying all such sheep claims, at the June session of the county commissioners, there remain more than five hundred dollars of such fund, the excess, at such June session, shall be transferred and disposed of as follows: In any county in which there now exists a society for the prevention of cruelty to children and animals, incorporated and organized under chapter 13, title 2, division 2, of the Revised Statutes, and, in any county in which no such society now exists, but in which there may be hereafter incorporated and organized such society in accordance with said chapter, title and division, and such societies now existing or which may hereafter be organized, shall have one or more agents appointed in pursuance of said chapter, title and division, all or such portion of such excess as the county commissioners, in their discretion, may deem necessary for the uses and purposes of such society, Tax on dogs.

Distribution of tax.

shall, by order of the county commissioners, upon the warrant of the county auditor, be paid to the treasurer of such society, and any surplus not so transferred shall be transferred to the school fund.

Statement of damages for sheep killed or injured by dogs.

Sec. 4215. (Statement of damages for sheep killed or injured by dogs: Witnesses.) Any person damaged by the killing or injuring of sheep by dog or dogs, may present a detailed account of the injury done, with damages claimed therefore, verified by affidavit at any regular meeting of the trustees of the township where the damage or injury occurred, and within six months thereafter, which account shall state the kind, grade, quality and value of the sheep so killed and the nature and amount of the injury, and shall make it appear to the satisfaction of the trustees upon the parol testimony of at least two other persons who are freeholders of the neighborhood where the injury was done, that the damage claimed is just and reasonable; and also make it appear that such injury was not caused in whole or in part by any animal kept or harbored by him, or by an employe or tenant of the owner upon such owner's premises, and that he does not know whose animal committed such injury, or if known and such account reduced to judgment could not be collected on execution.

Fees of witnesses.

(Fees of witnesses; oaths of claimant and witnesses.) And the witnesses in such cases, not exceeding two, shall be allowed fifty cents each and mileage as in other cases; the trustees are hereby authorized and empowered to administer oath or affirmation to any such claimant or witness; provided, however, that if the sheep killed or injured are in the care of an employe or tenant of the owner of the same, such affidavit may be made by such employe or tenant, and the testimony of such employe or tenant may be received in regard to all matters relating thereto to which such owner would be competent to testify.

Oath of claimant and witnesses.

Hearing, allowance, indorsement, transmission and record of claims.

(Hearing, allowance, indorsement, transmission and record of claims.) The trustees shall hear such claims in the order of their filing, and may allow the same or such parts thereof as they deem right, and if satisfied that such claim is correct and just, they shall endorse thereon the amount allowed and transmit the same with the testimony so taken, together with the fees due witnesses over their own official signatures to the county commissioners, in care of the county auditor, who shall enter upon a book to be kept for that purpose, in their order, each claim received.

Examination and order for payment.

(Examination and order for payment.) The county commissioners shall, at their next regular meeting, examine the same, and if found in whole or in part correct and just, order the payment thereof, or such parts as they may have found correct and just, to be paid out of the fund created by the per capita tax on dogs.

Payment.

(Payment.) And such claims as may have been allowed in whole or in part, shall be paid only at the June session of

such commissioners ; and provided, that if such fund is insufficient to pay all such claims in full, they shall be paid pro rata.

(Blanks for accounts, affidavits and testimony.) All accounts, affidavits and testimony shall be made upon blanks, the form of which shall be prepared by the secretary of state, and which blanks shall be furnished by the county commissioners.

Blanks for
accounts,
affidavits
and testimony.

SECTION 2. Said sections 2833 and 4215 and all special and general acts in conflict with this act or otherwise providing for a disposition of such dog tax, be and the same hereby are, repealed, save and except that nothing herein contained shall in any way work a repeal of or in any way affect the provisions of an act entitled "An act to provide for the protection of persons injured by mad dogs" passed March 29, 1904.

Repeals, etc.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

162G

[House Bill No. 217.]

AN ACT

To control the issue and redemption of trading stamps and other devices.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. No person shall sell or issue any stamp, trading stamp, cash discount stamp, check, ticket, coupon, or other similar device, which will entitle the holder thereof, on presentation thereof either singly or in definite number to receive either directly from the vendor or indirectly through any other person, money or goods, wares or merchandise, unless each of said stamps, trading stamps, cash discount stamps, checks, tickets, coupons or other similar devices shall have legibly printed or written upon the face thereof the redeemable value thereof, in lawful money of the United States.

What sort of
trading stamps
may be sold
or issued.

SECTION 2. Any person who shall sell or issue to any person engaged in any trade, business or profession, any stamp, trading stamp, cash discount stamp, check, ticket, coupon, or other similar device, which will entitle the holder thereof, on presentation thereof either singly or in definite number to receive either directly from the vendor, or indirectly through any other person, money or goods, wares, or merchandise shall, upon presentation redeem the same either in goods, wares, or merchandise or in lawful money of the

Redemption
of trading
stamps.

United States at the option of the holder thereof, at the value in lawful money printed on the face thereof; provided the same be presented for redemption in number or quantity aggregating in money value, not less than five cents in each lot.

Redemption of trading stamps issued to persons engaged in trade, business or profession.

SECTION 3. Any person engaged in any trade, business, or profession who shall distribute, deliver or present to any person dealing with him, in consideration of any article or thing purchased, any stamp, trading stamp, cash discount stamp, check, ticket, coupon or other similar device which will entitle the holder thereof on presentation thereof either singly or in definite number, to receive either directly from the person issuing or selling same as set forth in the second paragraph hereof, or indirectly through any other person, shall, upon the refusal or failure of the said person issuing or selling same to redeem the same as set forth in the second paragraph hereof, be liable to the holder thereof for the face value thereof and shall upon presentation of the same in lots of number aggregating in money value not less than five cents in each lot, redeem the same either in goods, wares or merchandise, or in lawful money of the United States, at the option of the holder thereof, at the value in lawful money printed on the face thereof.

Penalty for violation of any provision of this act.

SECTION 4. Any person, firm or corporation who shall violate any of the provisions of this act, shall be fined not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00).

When act not to apply.

SECTION 5. This act shall not apply to tickets, coupons or other vouchers placed by any merchant or manufacturer in or upon packages of goods sold or manufactured by him if such tickets, coupons or other vouchers are to be redeemed by such merchant or manufacturer.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

163G

[House Bill No. 335.]

AN ACT

To authorize the councils of municipal corporations to permit the use of public buildings under their control.

Council of municipality may permit use of public buildings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the councils of municipal corporations are hereby authorized to permit the use of public build-

ings under their control upon such terms and conditions as they may by ordinance provide.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 19, 1904.
 Approved April 23, 1904.

MYRON T. HERRICK,
Governor.

164G

[Senate Bill No. 113.]

AN ACT

To amend sections 2762, 2765, 2766, 2808, 2809, 2810, of the Revised Statutes of Ohio, that similar statements for listments may be required from banks and bankers, and that the taxation of shares and capital employed may be equalized, and to repeal sections 2759, 2759a, 2760 and 2761 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2762, 2765, 2766, 2808, 2809, and 2810 of the Revised Statutes of Ohio be amended so as to read as follows:

Listing personal property:

Sec. 2762. All the shares of the stockholders in any incorporated bank or banking association, located in this state, whether now or hereafter incorporated or organized under the laws of the state or of the United States, and all the shares of the stockholders in any unincorporated bank located in this state the capital stock of which is divided into shares held by the owners of such bank, and the capital employed, or the property representing the same, in any unincorporated bank the capital stock of which is not divided into shares, located in or that may be hereafter located in this state, shall be listed at the true value in money, and taxed in the city, ward or village where such bank is located, and not elsewhere.

Shares or capital of banks, incorporated or unincorporated to be listed at true value in money.

Sec. 2765. The cashier of each incorporated bank, and the cashier, manager or owner of each unincorporated bank, shall make out and return to the auditor of the county in which every such bank is located, between the first and second Mondays of May, annually, a report in duplicate under oath, exhibiting in detail, and under appropriate heads, the resources and liabilities of such bank at the close of business on the Wednesday next preceding the said second Monday, together with a full statement of the names and residences of the stockholders therein, with the number of shares held by each and the par value of each share, and of the amount of capital employed by unincorporated banks not divided into shares and the names and residences and proportional interest of each owner of such bank.

Return to be made by cashier, manager or owner to auditor.

Sec. 2766. Upon receiving such report the county auditor shall fix the total value of the shares of such banks, and the value of the property representing the capital employed by unincorporated banks the capital stock of which is not

Auditor to fix value of bank shares or property, and report to board of equalization.

divided into shares, each, according to their true value in money, and deduct from the aggregate sum so found, of each, the value of the real estate included in the statement of resources as the same stands on the duplicate, and thereupon he shall make out and transmit to the annual state board of equalization for banks a copy of the report so made by the cashier, manager or owner together with the valuation of such shares or property representing capital employed as so fixed by the auditor.

Annual state board of equalization for banks; how constituted and duties.

Sec. 2808. The governor, auditor of state and attorney general shall constitute a board of equalization of the shares of incorporated banks and also the shares of unincorporated banks the capital stock of which is divided into shares each of which shares in on [is an] aliquot part of the capital so divided and of the property representing the capital employed by unincorporated banks the capital stock of which is not divided into shares, and for this purpose they shall meet on the third Tuesday of June, annually, at the office of the auditor of state, and examine the returns of said banks to the county auditors and the value of said shares and of the property representing the capital employed as fixed by the county auditors, as the same shall have been reported by the county auditors to the state auditor.

Powers of board.

Sec. 2809. Said board shall hear complaints and equalize the value of said shares and property representing capital employed according to the rules prescribed by their title for valuing and equalizing the values of real and personal property, and if in the judgment of the board, or a majority of them, the aggregate value of all the bank property so reported to said board by the county auditors is not its true value in money, they may increase or diminish the value of said shares and property representing capital employed by such a per cent. as will equalize each to their true value in money; provided that said board shall not increase or reduce the grand aggregate value of bank shares and property representing capital employed as returned by the several county auditors by more than twenty (20) per centum.

State auditor to report to county auditors.

Sec. 2810. The auditor of state shall forthwith after such equalization shall have been made, certify to the auditors of the proper counties, the valuations, as equalized, of the shares of, and property representing capital employed by banks situated in such counties, which valuation shall be placed upon the proper tax list.

Repeals.

SECTION 2. That original sections 2759, 2759a, 2760, 2761, 2762, 2765, 2766, 2808, 2809 and 2810, be and they are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,

Passed April 19, 1904. *President of the Senate.*
Approved April 23, 1904.

MYRON T. HERRICK,
Governor.

[House Bill No. 46.]

AN ACT

To amend an act entitled, "An act to supplement section 2485 of the Revised Statutes of Ohio," passed April 16th, 1900, relating to the consolidation of water and electric light companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2485a of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2485a. Any two or more of the companies mentioned in section 2478 or any electric light and power company and any water company or any heating company and any inclined movable or rolling road company, which are doing business in the same municipal corporation or which are incorporated and organized for the purpose of doing business in the same municipal corporation, may consolidate into a single corporation in the same manner and with the same effect as provided for the consolidation of railroad companies in section 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3390, 3391, and 3392 of the Revised Statutes and any and all acts amendatory and supplementary to said sections.

SECTION 2. Said original section 2485a be and the same is hereby repealed.

Gas and electric companies and plants:

Consolidation of public service companies doing business in same municipality.

Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
166G

[House Bill No. 6.]

AN ACT

To further supplement section 6899 of the Revised Statutes of Ohio and to punish the corrupting of witnesses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6899 of the Revised Statutes of Ohio, be further supplemented so as to read as follows:

Sec. 6899b. Whoever, with intent to corrupt a witness, or to influence him in respect to the testimony he is about, or may be called upon, to give in an action or proceeding pending, or about to be commenced, either before or after he is subpoenaed or sworn, offers, promises or gives to him or to any one for him, any valuable thing shall be fined not more than five hundred dollars and imprisoned not more than sixty days.

Offenses against public justice:

Penalty for bribery of witness.

Repeals, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and shall apply to all actions and proceedings now pending as well as those that may be commenced hereafter.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

167G

MYRON T. HERRICK,
Governor.

[Senate Bill No. 48.]

AN ACT

To amend section 5441 of the Revised Statutes of Ohio, relating to property exempt from levy.

Be it enacted by the General Assembly of the State of Ohio:

Exemption
 from execu-
 tion:

Property
 exempt from
 levy.

SECTION 1. That section 5441 of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 5441. Husband and wife living together, a widower[living] with an unmarried daughter or minor son, every widow, and every unmarried female having in good faith the care, maintenance and custody of any minor child or children of a deceased relative, resident of Ohio, and not the owner of a homestead, may in lieu thereof, hold exempt from levy and sale, real or personal property to be selected by such person, his agent or attorney, at any time before sale, not exceeding five hundred (\$500.00) dollars in value, in addition to the amount of chattel property otherwise by law exempted. Provided, that such selection and exemption shall not be made by the debtor, his agent or attorney, or allowed to the debtor from any money, salary or wages due him from any person, partnership or corporation whatever as against any claim, debt or demand for necessities furnished to such debtor, except to the extent of ninety per centum of such money, salary or wages; and provided also, no personal property shall be exempt from execution on a judgment rendered for the purchase price of the same property or for any part of such purchase price.

Repeals.

SECTION 2. That said original section number 5441 is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK.

168G

AN ACT

To amend section 3490 of the Revised Statutes of Ohio, relating to the control and management of vehicles upon public highways.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3490 of the Revised Statutes of Ohio be amended so as to read as follows:

Section 3490. All persons driving carriages or vehicles of any description on any public turnpike, road or highway of this state, shall, on meeting carriages or vehicles of any description keep to the right so as to leave half of the road free, and all persons riding on horseback, or on bicycle, tricycle, tandem bicycle, locomobile, automobile, or motor vehicle, shall, on meeting carriages or vehicles of any description, keep to the right so as to leave two-thirds of the road free; provided, however, that any person operating a locomobile, automobile, motor cycle, or other motor vehicle, on any public highway or in any public place, shall not operate the same at a rate of speed greater than is reasonable and proper, having regard to the use in common of such highway or place, or so as to endanger the life or limb of any person, and in no event shall such locomobile, automobile, motor cycle, or other motor vehicle, be operated at a greater rate of speed than eight miles an hour in the business and closely built up portions of any municipality of this state, nor more than fifteen miles an hour in the other portions of such municipalities, nor more than twenty miles an hour outside of such municipalities, which rates of speed shall not be diminished nor prohibited by any ordinance, rule or regulation of any municipality, board, or other public authorities; and provided that any person or persons operating a locomobile, automobile, motor cycle, or other motor vehicle, shall at request or on signal by putting up the hand, from a person riding, leading or driving a horse or horses, or other animal, bring such locomobile, automobile, motor cycle, or other motor vehicle, immediately to a stop, and if traveling in the opposite direction shall remain stationary so long as may be reasonably necessary to allow such horse or animal to pass, (and in case such horse or animal appear to be frightened, and he is requested so to do, the person operating such locomobile, automobile, motor cycle, or other motor vehicle, shall cause the motor thereof to cease running so long as shall be necessary to prevent accident and insure the safety of persons using such public highway or public place,) and if traveling in the same direction, use reasonable care and caution, in thereafter passing such horses or animals, and be under the same restrictions as are herein provided relating to stopping at request or on signal by putting up the hand; and provided, that such locomobile, automobile,

Turnpike
and avenue
companies:

Penalty for
obstructing
travel on road.

Regulating
speed of motor
vehicles.

When motor
vehicle must
be brought to
a stop.

Must exhibit
lights.

Penalty.

Repeals, etc.

or other like motor vehicle, shall during the period from one hour after sunset to one hour before sunrise, exhibit a lamp or lamps showing a white light or lights for a reasonable distance in the direction towards which such vehicle is proceeding and also showing a red light or lights in the reverse direction, and shall also be provided with (and use at all proper and necessary times) a good and efficient brake and a suitable bell, horn, or other signal. If any person purposely and wilfully neglects or refuses to comply with any of the provisions of this section, or in any other manner wilfully hinders or purposely obstructs any person in the free passage of any such road or highway, or shall ride a bicycle, tricycle, or tandem bicycle on the sidewalk or footpath of any unincorporated village, he shall, on conviction thereof, before any justice of the peace or other court having jurisdiction, for every [such] offense be fined in any sum not less than five dollars nor more than fifty dollars, for the use of the common schools of the county in which prosecution is had.

SECTION 2. That section 3490 of the Revised Statutes of Ohio be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

169G

[House Bill No. 498.]

AN ACT

To supplement section 3169 of the Revised Statutes of Ohio, relative to release of surety on surviving partner's bond.

Be it enacted by the General Assembly of the State of Ohio:

Partnerships:

Where surviving partner's bond to be filed.

Publication of notice.

SECTION 1. That section 3169 of the Revised Statutes of Ohio is hereby supplemented as follows:

Sec. 3169a. Upon the bond being given as provided for in section 3169, it shall be filed in the probate court by which such executor or administrator was appointed; and the surviving partner or partners shall thereupon cause notice thereof to be published for three consecutive weeks in some newspaper of general circulation in the county, in which is located such probate court; and the provisions of section 6089 shall apply to such notice, except that the affidavit therein provided for shall be made by the surviving partner or partners, or the person employed by him or them to give such notice; and all creditors shall present their claims

against such partnership to such surviving partner or partners, which claim shall be duly authenticated in the manner provided in section 6092 for authentication of claims against the estate of a deceased person; and all actions on claims against such partnership not authenticated and filed with such surviving partner or partners as aforesaid within one year from the publication of said notice shall be barred; and upon payment by said surviving partner or partners of all of the valid claims against such partnership filed within such period of one year and authenticated as aforesaid, such surviving partner or partners shall file an account thereof in the manner provided for filing executors' or administrators' accounts; and all provisions relating to executors' or administrators' accounts and their settlement shall apply to the accounts of surviving partners; and such account shall contain a list, duly sworn to, of all creditors whose claims shall have been filed as aforesaid within such period of one year, together with the respective amounts of said claims; and upon settlement of such account of the surviving partner or partners, such surviving partner or partners and his or their sureties shall be discharged from all liability on the bond provided for in section 3169.

Discharge of
surviving
partner and
sureties.

SECTION 2. This act shall apply to all cases where bonds have been heretofore or shall be hereafter given by surviving partners under the provisions of section 3169.

Where act to
apply.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

170G

[House Bill No. 341.]

AN ACT

To regulate the testing of milk.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In the use of the Babcock test, the standard milk measures or pipettes, shall have a capacity of 17.6 cubic centimeters; and the standard test tubes or bottles for milk, shall have a capacity of 2 cubic centimeters for each 10% marked on the necks thereof; the standard unit of cream for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent. of butter fat contained in the same by the Babcock test.

Standard milk
measures or
pipettes to
be used in
testing milk.

Misdemeanor
to use other
standards.

Penalty for
selling or
offering incor-
rectly marked
measures.

SECTION 2. Any manufacturer, merchant, dealer, or agent in this state who shall offer for sale or sell a milk pipette or measure, test tube or bottle, which is not correctly marked or graduated, as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section four of this act.

Unlawful to
manipulate,
underread or
overread
the Babcock
test.

SECTION 3. It shall be unlawful for the owner, manager, agent, or any employee of a cheese factory, creamery or condensed milk factory or other place where milk is tested for quality or value to manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality or value of milk or cream or to make any false determination by said Babcock test or otherwise.

Penalty.

SECTION 4. Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

When to take
effect.

SECTION 5. This act shall take effect and be in force sixty days after its passage.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,

Passed April 21, 1904. *President of the Senate.*
Approved April 23, 1904.

MYRON T. HERRICK,
Governor.

171G

[House Bill No. 438.]

AN ACT

To supplement section nine of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," as amended March 9th, 1898.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section nine of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," as amended March 9th, 1898, (93 v. 37), be supplemented by a supplementary section as follows:

Disposal of
surplus Dow
tax.

Sec. 9a. All moneys passed to the credit of any city infirmary fund, under the provisions of the section to which this is supplementary, and all moneys placed to the credit of such fund from any other source whatsoever, not used for the support, maintenance and operation of such infirmary during any fiscal year ending December 31st, shall be placed by the auditor of the city to the credit of and for the use of the police department of such city.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,

Passed April —, 1904. *President of the Senate.*
Approved April 23, 1904.

MYRON T. HERRICK,
Governor.

172G

[Senate Bill No. 22.]

AN ACT

To amend section 289 of the Revised Statutes of Ohio, relating to insurance.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That section 289 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 289. The provisions of this chapter shall apply to individuals and parties, and to all companies and associations, whether incorporated or not, now or hereafter engaged in the business of insurance; and it is unlawful for any company, corporation, or association, whether organized in this state or elsewhere, either directly or indirectly, to engage in the business of insurance, or to enter into any contracts substantially amounting to insurance, or in any manner to aid therein, in this state, or to engage in the business of guaranteeing against liability, loss or damage, unless the same is expressly authorized by the statutes of this state, and such statutes and all laws regulating the same and applicable thereto have been complied with; provided that nothing in this chapter, or in any other statute of the state of Ohio pertaining to insurance, shall so operate or be construed as to apply to the establishment and maintenance by individuals, associations or corporations, of sanatoriums or hospitals for the reception and care of patients for the medical, surgical or hygienic treatment of any and all diseases, or for the instruction of nurses in the care and treatment of diseases and in hygiene, or for any and all said purposes, nor to the furnishing of any or all of said services, care or instruction in or in connection with any such institution, under or by virtue of any contract made for such purposes, with residence of the county in which such sanatorium or hospital is located.

Superintendent of Insurance:

When insurance business unlawful.

Proviso.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,

Passed April 23, 1904. *President of the Senate.*
Approved April 23, 1904.

MYRON T. HERRICK,
Governor.

173G

[Senate Bill No. 192.]

AN ACT

To amend section 5761 of the Revised Statutes of Ohio, relating to amicable partition of real estate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That section 5761 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 5761. Before a writ of partition is issued, the person of whom partition is demanded may appear in court in person or by attorney and consent to a partition of the

Partition:

How amicable partition made.

estate agreeably to the prayer, and facts set forth in the petition, which amicable partition when made and recorded, shall be valid and binding between the parties thereto, and in all such cases and in all cases where the lands are divided by the commissioners among the parties, the court shall order the sheriff to execute and deliver to each person entitled thereto a deed for the portion set off and assigned to such person.

Repeals.

SECTION 2. That said original section 5761 of the Revised Statutes of Ohio be and the same is hereby repealed.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

174G

[Senate Bill No. 121.]

AN ACT

To make a misdemeanor the leaving of certain receptacle containing, or which have contained nitroglycerine in public places, and providing the punishment therefor.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful to leave unguarded receptacle which contains or has contained nitroglycerine; penalty.

SECTION 1. That any person who shall leave knowingly, unguarded or unprotected any can, shell, or receptacle of any kind whatever which contains or has at any time previous contained nitroglycerine at any other place than a stock wagon, shooters wagon, factory or magazine where nitroglycerine is manufactured or stored, shall be deemed guilty of a misdemeanor, and on conviction shall be imprisoned in the county jail not less than thirty days nor more than one year, and it is hereby made the duty of the state inspector of high explosives to prosecute all violations of the provisions of this act.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

175G

[Senate Bill No. 186.]

AN ACT

To amend section 6322 of the Revised Statutes of Ohio, relating to sureties on the bond of trustees of unknown or nonresident parties.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6322 of the Revised Statutes of Ohio be amended so as to read as follows: Guardians and trustees:

Sec. 6322. The trustee shall give bond, payable to the state of Ohio, with such sureties and in such sum as shall be approved by the court, not less than double the value of all the property that will probably come into his hands, and shall take upon himself the care and management of the estate and property of such minor, idiot, lunatic, or imbecile, situate in this state, and the collection of debts and other demands due such minor, idiot, lunatic, or imbecile, from persons residing or being in this state, and shall settle with the court, and be liable to suit or removal for neglect or misconduct in the performance of his duties, in like manner as is or may be provided by law in respect to guardians of minors, and as is or may be provided by law for the settlement of the accounts of trustees; and such surety or sureties may be discharged in the same manner as provided for the release of sureties of guardians in section six thousand two hundred and seventy-three of the Revised Statutes of Ohio. Bonds and duties.

Discharge of surety.

SECTION 2. Said original section 6322 be and the same is hereby repealed. Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
176G

[House Bill No. 300.]

AN ACT

To amend section 1 of an act entitled "An act to provide for the expense of cleaning out, repairing or enlarging any ditch, which has been located in more than one county; how apportioned," passed April 25, 1891, relative to ditches located in more than one county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act to provide for the expense of cleaning out, repairing or enlarging any ditch, which has been located in more than one county; how apportioned," passed April 25, 1891, be amended so as to read as follows: County ditches:

Cleaning,
repairing or
enlarging joint
county ditch;
how cost
apportioned.

Sec. 1. When a ditch needs to be cleaned out, repaired or enlarged, which has been located in more than one county, any owner of any lot or tract of land which was assessed for its construction, may make a statement to the county commissioners, of either of said counties, in writing, setting forth such necessity, and the commissioners shall forthwith appoint a disinterested freeholder of the county or an engineer, to examine the ditch, whose compensation shall be as in other cases, and who shall be sworn to go upon the line thereof and carefully make such examination, and make an estimate of the amount of work to be done and the amount of money required therefor, and fix the portion thereof that the owner of each lot or tract of land, and each corporation, county or township assessed for the construction of the ditch or that may be benefited by such cleaning out, repairing or enlarging of the ditch, should be assessed for such improvement; and such assessment shall be made according to benefits, unless the necessity for the improvement arose from the acts or neglect of any land owner or corporation, in which case such act or neglect shall be considered. Such freeholder, or engineer shall return his estimate and assessments to the aforesaid commissioners in writing, whereupon said commissioners shall notify the commissioners of any other county interested of said action, and furnish to them a copy of said estimate and assessments, and it shall be the duty of the commissioners of the said counties to appoint a day for hearing the same in joint session, and direct a like notice to be given to all land and lot owners and corporations affected thereby, as is provided in case of the apportionment in the construction of a like ditch, when, if a majority of the members of each board favor the proposed improvement they may approve or disapprove the report, or make such changes therein as they may deem right and proper. They shall enter upon their journals the assessments as approved by them, and the auditors of the said counties shall place the same upon the duplicate against the lands upon which they are assessed, to be collected as other taxes; the work to be done shall be advertised, sold and let and the contracts thereof performed as provided in the construction of a like ditch. When a part, not less than one-fourth of the portion thereof included in any contract is completed in accordance with the contract, the county surveyor shall give to the contractor a certificate thereof, showing the proportional amounts which the contractor is entitled to be paid by the terms of his contract; and the auditor shall, upon the presentation of such certificate to him, draw his warrant upon the treasurer for not more than seventy-five per cent. of the amount, and the treasurer shall pay the same out of any funds in the treasury applicable to such purposes. When the whole contract is completed, the entire price may be paid in the manner aforesaid.

SECTION 2. That said original section 1, be and the same is hereby repealed. Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
 177G

[Senate Bill No. 142.]

AN ACT

To amend section 2835 of the Revised Statutes of Ohio, relating to the issue of bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2835 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2835. That the trustees of any township or hamlet, or the council, board of legislation or other legislative body or bodies of any city, village, or other municipal corporation of the state of Ohio, shall have the power to issue and sell bonds in such amounts and denominations, for such period of time and at such rate of interest, not exceeding six per cent., and in such manner as is provided by the law for the sale of bonds by such township, hamlet, city, village or other municipal corporation, for any of the purposes provided for in this act, whenever such trustees, council, board of legislation or other legislative body or bodies by an affirmative vote of not less than two-thirds of the members elected or appointed thereto shall by resolution or ordinance deem the same necessary.

Levying
taxes:

Townships and
municipalities
may issue
and sell bonds
for purposes
specified in
this act.

1. For procuring the real estate and right of way for any improvement authorized by this section, or for purchasing real estate with a building or buildings thereon, to be used for public purposes.

2. For extending, enlarging, improving, repairing or securing a more complete enjoyment of any building or improvement authorized by this section, and for equipping and furnishing the same.

3. For sanitary purposes and for erecting a crematory or providing other means for disposing of garbage and refuse matter.

4. For improving highways leading into the township or corporation, or for building or improving a turnpike, or for purchasing one or more turnpike roads and making the same free.

5. For constructing wharves and landings on navigable waters.

6. For erecting infirmaries.

7. For erecting workhouses, prisons and police stations.
8. For erecting houses of refuge and corrections.
9. For erecting market houses and providing market places.
10. For erecting public halls and public offices.
11. For erecting or purchasing waterworks and supplying water to the township, hamlet or corporation and the inhabitants thereof.
12. For erecting or purchasing gas works or electric light works, and for supplying light to the township, hamlet or corporation and the inhabitants thereof.
13. For providing grounds for cemeteries, for enclosing and embellishing the same, and for erecting vaults.
14. For constructing sewers, sewage disposal works, flushing tunnels, drains and ditches.
15. For establishing free public libraries and reading rooms.
16. For the establishment of free public baths.
17. For erecting monuments to commemorate the services of soldiers, sailors and marines of the state and nation.
18. For improving any watercourse or water front.
19. For the payment of obligations arising from emergencies resulting from epidemics, or floods, or other forces of nature.
20. For purchasing and condemning the necessary land for park and boulevard purposes and for improving the same as well as for improving or completing the improvement of any existing boulevard, park, or parks.
21. For erecting hospitals and pest houses and for rebuilding, repairing, or improving existing hospitals and pest houses.
22. For resurfacing, repairing, or improving any existing street or streets as well as other public highways.
23. For opening, widening and extending any street or public highway.
24. For purchasing or condemning any land necessary for street or highway purposes, and for improving the same or paying any portion of the cost of such improvement.
25. For constructing levees and embankments or paving or improving the same, and for improving any watercourse passing through said township, hamlet or municipal corporation.
26. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning the necessary land therefor.
27. For erecting any building necessary for a fire department, purchasing fire engines, fire boats, constructing water powers and fire cisterns, and paying the cost of placing underground the wires or other signal apparatus of any fire department.

The bonds herein authorized may be issued for any [or] of all purposes enumerated herein, but the total bonded in-

debtedness hereafter created in any one fiscal year under the authority of this act by any township, hamlet or municipal corporation shall not exceed one (1) per cent. of the total value of all property in such township, hamlet, or municipal corporation, as listed and assessed for taxation, except as otherwise provided in this act.

Whenever the trustees of any township, or hamlet, or the council, board of legislation, or other legislative body or bodies of any municipal corporation, shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, deem it necessary in any one fiscal year to issue bonds for all or any of the purposes authorized in this act in any amount greater than one per cent. of the total value of all property in such township, hamlet, or municipal corporation as listed and assessed for taxation, then and in that event they shall submit the question of issuing any bonds in excess of said one per cent. to a vote of the qualified electors of such township, hamlet or municipal corporation at a general or special election in the manner provided in section 2837, Revised Statutes.

Provided, however, that the aggregate amount of all outstanding and unpaid bonds hereafter issued under the authority of this act shall never exceed four per cent. of the total value of all property in such township, hamlet or municipal corporation as listed and assessed for taxation, unless an excess of such amount is authorized by vote of the qualified electors in such township, hamlet or other municipal corporation in a manner provided in section 2837, Revised Statutes.

SECTION 2. That section 2835 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
178G

[Senate Bill No. 134.]

AN ACT

To authorize county commissioners to grant the use of land in parks for the site of art buildings, and for art purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That county commissioners vested with the legal title to real estate dedicated to and used for park purposes, shall have power and authority to grant the use

County commissioners
authorized to
grant use of

land situated
in parks as site
for art
buildings.

and occupation of land situated in such parks for the site of art buildings, and for art purposes.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 20, 1904.

Approved April 23, 1904.

MYRON T. HERRICK.

179G

[House Bill No. 183.]

AN ACT

To supplement section 2792 of the Revised Statutes of Ohio by adding thereto a supplementary section designated as section 2792a.

Be it enacted by the General Assembly of the State of Ohio:

Assessing
real estate:

SECTION 1. That section 2792 of the Revised Statutes be supplemented by a supplementary section to be known as section 2792a as follows:

Assessing
lands in
which title to
the fee of
the soil and
of the minerals
is not in the
same person.

Sec. 2792a. Provided, that in all cases where the fee of both the soil and the minerals, except crude petroleum and other like substances, or any part of either, of any lot or parcel of land were owned by the same person, or persons, natural or artificial, when the last decennial appraisalment was made, but the title to the fee of the soil is now in one or more persons either natural or artificial, and the title to such minerals, or any of them, is now in another person or persons, either natural or artificial, it shall be the duty of the county board of equalization, at its annual meeting each and every year, other than the year on which the decennial appraisalment is made, and where such division has not then already been made, to divide, or apportion the valuation of such tract or parcel of land, made at the next preceding decennial appraisalment, between the owner, or owners of the fee of the soil, and the owner or owners of such minerals so held separate from the fee in the soil, equitably, according to the relative value of the interests so held by such owners of the fee of the soil and such minerals respectively; such division or apportionment shall be and remain in force until the next decennial appraisalment.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.
180G

[House Bill No. 225.]

AN ACT

To provide for the working of poll tax on public highways, and to amend section 4902 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4902 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 4902. In townships where such roads are located and placed under the control of turnpike directors under the supervision of this chapter, the township trustees shall, at their annual meeting in March, designate and set off such portion of the two days' labor as they may deem just and equitable, to be performed under the control of the board of directors or their superintendents subject to all the rules and regulations of law for its performance under the direction of road supervisors.

Repair of improved roads:

When and under whose control road labor to be performed.

SECTION 2. Said original section 4902 is hereby repealed.

Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 21, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
1816

[House Bill No. 444.]

AN ACT

To supplement section 50 of an act entitled "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, relative to making special assessments on lands or lots not on the tax duplicate or subdivided into lots.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 50 of an act entitled "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," be and the same is hereby supplemented by adding the following section:

Municipal corporations; assessments.

Council may
fix value of
lands not
assessed for
taxation, in
making
special assess-
ments by per-
centage of tax
value or by
foot front.

Sec. 50a. In making special assessments by percentage of the tax value or by the foot front on lots or lands not subdivided into lots, when such lots or lands are not assessed for taxation, the council shall fix, for the purpose of said assessment, the value of said lots as they stand and of said lands to what council may consider a fair average depth of lots in the neighborhood, so that it will be a fair average of the assessed value of other lots in the neighborhood, and in making such assessments in either of said ways on land not subdivided into lots but which are assessed for taxation, council shall fix the value and depth in the same manner. Provided, however, the above rule shall not apply in making special assessment according to benefits.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 20, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

182G

[Senate Bill No. 166.]

AN ACT

To amend section 719 of the Revised Statutes of Ohio relating to inquests of insanity.

Be it enacted by the General Assembly of the State of Ohio:

Asylums for
the insane:

Inquests of
insanity;
record of
proceeding;
costs and
fees.

SECTION 1. That section 719 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Sec. 719. The probate judge shall make a complete record of all proceedings in lunacy; and the taxable costs and expenses to be paid under the provisions of this chapter shall be as follows: To the probate judge with whom the affidavit is filed the sum of two dollars for holding an inquest, and for all clerical services he necessarily performs the same fees as are allowed for similar services by sections 546 and 547 of the Revised Statutes of Ohio, and the amount of postage on all communications to and from the superintendent which the judge is required to pay; to the medical witness who makes out the certificate, two dollars, and witness fees such as are allowed by law in other cases; to the witnesses and constables the same fees as are allowed by law for like services in other cases; to each person employed by the probate judge to commit a lunatic to the county infirmary, seventy-five cents per day; to the jailor for keeping an idiot or insane person, thirty-five cents per day; to the sheriff or other person making the arrest the actual and necessary expense of the same including conveyance and assistants upon the allowance of the probate judge, and

such fees as are allowed by law in making arrests in criminal cases; to the sheriff, or other person, other than assistant, for taking an insane person to a state hospital, or removing one therefrom upon the warrant of the probate judge, mileage at the rate of five cents per mile, going and returning, and seventy-five cents per day for support, and mileage at the rate of three cents per mile for the railway transportation of each patient to and from the hospital, and to one assistant five cents per mile each way, and nothing more, for said services, the number of miles to be computed in all cases by the nearest route traveled; the costs and expenses herein specified shall be paid out of the county treasury, upon the certificate of the probate judge, provided, that when it appears necessary to the sheriff at the time of conveying said person to the hospital, the condition of the patient requires the same, he shall be authorized to provide a conveyance for the said patient from the nearest railroad station, except that in counties where the state hospitals are located the sheriff may provide a conveyance from the county seat, and the costs of the same shall be taxed in the bill of costs and paid as other costs in the case.

SECTION 2. That said section 719 of the Revised Statutes be and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

183G

[House Bill No. 333.]

AN ACT

To amend sections 3706, 3706a and 3706b of the Revised Statutes of Ohio so as to provide for the purchase or lease of new sites for holding county fairs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That sections 3706, 3706a and 3706b of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3706. When a county society desires to sell its site for holding county fairs, for the purpose of purchasing another site, or whenever such site shall have for any reason become unfit or insufficient for the purposes for which it is intended and used, and the board of directors of such agricultural society shall, at a regular meeting thereof, by a vote of at least a majority of all the members of said board, upon a call of the yeas and nays, adopt a resolution for the

Agricultural corporations:

Societies may sell or lease, and purchase or lease other sites.

Resolution of the board as to sale and new site.

When consent of county commissioners required.

purpose of securing the benefits of this act, declaring that they desire to sell such site for the purpose of purchasing another site, or that such site has become unfit or insufficient as aforesaid, and that it is necessary and for the best interests of such agricultural society and such county, that such site be sold or leased, and a new site purchased or leased, for holding county fairs in such county, it shall be lawful for such agricultural society to sell or lease such old, unfit or insufficient site for holding county fairs, and to purchase or lease a new site, as hereinafter provided; provided, that in cases where the county has paid all or any portion of the purchase money for the site proposed to be sold or leased, the written consent of the county commissioners shall first be given to such sale or lease. Within thirty days after the passage of such resolution said board of directors shall give notice in writing to the county commissioners of such county of the adoption of said resolution, declaring the necessity of selling or leasing such site and of purchasing or leasing a new site, which notice shall contain or have annexed thereto a certified copy of said resolution, signed by the president and secretary of the board of directors.

When county commissioners shall complete and carry out contracts by such society.

Sec. 3706a. That whenever such agricultural society shall have given notice to the county commissioners as above provided, and shall have selected, or secured options for the purchase or lease of a new site for holding county fairs in such county, the board of directors of such society shall immediately give notice of all of such facts to the county commissioners, which said notice shall, in the event such old, unfit or insufficient site is sold or leased before the purchase or lease of the new site, state the amount for which such old, unfit or insufficient site was sold or leased, and shall also state the amount of money necessary to acquire by purchase or lease such new site, and the terms and conditions of the purchase or lease thereof, together with a full description of the tracts or parcels of land and improvements thereon, included in such new site. After the filing of the several notices herein provided for, the county commissioners may proceed to complete and carry into effect any contract or contracts which such agricultural society may have made for the purchase or lease of said new site.

Provision for payment for such purchase or lease of lands.

Sec. 3706b. That the payment for the purchase or lease of the parcels or tracts of land included in such new site, and the improvements, buildings and structures thereon, may be made by the county commissioners from any unappropriated funds in the county treasury at the time said payment is to be made, and if no such funds are in the county treasury at such time, then the county commissioners may issue the bonds of the county for such amounts as may be necessary for the purchase or lease of said land and the improvements thereon; provided, that in the event such old, unfit or insufficient site is sold or leased before such new site is purchased or leased, said agricultural society shall,

in making said payment, first apply the moneys realized from the sale or lease of such old, unfit or insufficient site to the purchase or lease of the new site; and in the event such old, unfit or insufficient site is sold or leased after the purchase or lease of such new site, the amounts realized from such sale or lease shall be placed to the credit of the sinking fund for the redemption of the bonds to be issued as hereinafter provided. Such bonds shall bear interest at a rate not to exceed five (5) per cent. per annum, payable semiannually, and shall not be sold at less than their par value, and shall be payable at such place, and at such times, and in such denominations, as said county commissioners shall determine; and to provide for the payment of said bonds and the interest thereon the said county commissioners are hereby authorized to levy such annual taxes on all the taxable property of the county, as may be necessary to create and provide a sinking fund for the redemption of such bonds at maturity and the interest accruing thereon. Said levy shall be collected and accounted for to the county treasurer of the county in the manner provided for the collection of other taxes. Before issuing such bonds, the commissioners shall, by resolution, submit to the qualified electors of the county at the next general election for county officers held not less than thirty days after receiving from such agricultural society the notice provided for in section 3706, the question of issuing and selling such bonds, in amount and denomination as may be necessary for the purpose in view, and shall cause a copy of such resolution to be certified to the deputy state supervisors of elections of the county, or their successors in office, or other proper officer or officers having charge of the supervision of elections, and such deputy state supervisors of elections, or their successors in office, or other proper officer or officers having charge of the supervision of elections, shall place the question of issuing and selling such bonds upon the ballot and make all other necessary arrangements for the submission of such question to the qualified electors of such county, at the time fixed by the resolution. The votes cast upon such question shall be counted, canvassed and certified in the same manner, except as otherwise provided by law, as votes cast for county officers. Fifteen days' notice of such submission shall be given by the deputy state supervisors of elections, or their successors in office, or other proper officer or officers having charge of the supervision of elections, by publication once a week for two consecutive weeks in two or more newspapers published in the county, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and places of holding such elections. Said question shall be stated on the ballot as follows: "For the issue of county fair bonds, yes;" "For the issue of county fair bonds, no;" and if the majority of the voters voting upon the question of issuing the bonds are in favor thereof, then and not otherwise shall such bonds be issued, and the tax hereinbefore mentioned be levied.

Submission of
question of
issuing
bonds to
electors.

Repeals.

SECTION 2. That said section 3706, as amended May 10, 1902, and said sections 3706a and 3706b, as passed May 10, 1902, are hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.
184G

[House Bill No. 421.]

AN ACT

To amend section 3878 of the Revised Statutes of Ohio, relating to companies for transportation of natural gas, oil or water.

Be it enacted by the General Assembly of the State of Ohio:

Powers of certain corporations:

SECTION 1. That section 3878 of the Revised Statutes relating to companies for transportation of natural gas, oil or water, be amended so as to read as follows:

Municipalities and companies organized for purpose of building dams, etc., or erecting poles to transmit electricity or for transportation of natural gas, petroleum, water or electricity; right of eminent domain.

Sec. 3878. Any municipal corporation or any company or companies organized for the purpose of erecting or building dams across rivers or streams in this state to raise and maintain a head of water, or for the purpose of constructing and maintaining canals, locks, and race ways to regulate and carry said head of water to any plant or power house where electricity is to be generated, or for the purpose of erecting and maintaining a line or lines of poles whereon to attach or string wires or cables to carry and transmit electricity, or for the purpose of transporting natural gas, petroleum, water or electricity, through tubing, pipes or conduits, or by means of wires, cables or conduits, or for the purpose of storing, transporting or transmitting water, natural gas or petroleum, or for the purpose of generating and transmitting electricity, may enter upon any private land for the purpose of examining or surveying a line or lines for its tubing, pipes, conduits, poles and wires, or for a reservoir, dams, canals, race ways, plant or power house, and for the purpose of ascertaining the number of acres overflowed by reason of the construction of said dam or dams, and may appropriate so much thereof as may be deemed necessary for the laying down or building of said tubing, conduits, pipes, dams, poles, wires, reservoir, plant and power house, as well as the land overflowed, and for the erection of tanks and reservoirs for the storage of water for transportation and the erection of stations along such line or lines, and the erection of such building as may be necessary for the purpose aforesaid; such appropriation shall be made and conducted in accordance with the

How right acquired.

law providing for compensation to the owners of private property appropriated to the use of corporations; and so far as the rights of the public therein are concerned, the county commissioners as to county and state roads, the township trustees as to township roads, and the council of municipal corporations as to streets and alleys in their respective jurisdiction, may, subject to such regulation and restrictions as they may prescribe, grant to such companies, the right to lay such tubing, pipes, conduits, poles and wires therein; provided, however, the right to appropriate for any of the purposes hereinabove specified, shall not include or extend to the erection of any tank, station, reservoir, or building, or lands therefor, or to more than one continuous pipe, conduit or tubing or land therefor, in or through a municipal corporation, without the council first consent thereto; and provided further that nothing in this section contained shall be construed to confer any power to appropriate any portion of any street, alley, highway or other public way or land, or to confer any right in any street, alley, highway or other public way or land situated within any municipality, without the consent of such municipality, provided, however, that no reservoirs for the storage and transportation of water shall be constructed within the corporate limits of any municipal corporation or any public park, and all excavations, except reservoir for storage and transportation of water, shall be well filled by such company, and so kept by it in all cases, and such company or companies shall for the purpose of transporting natural gas, oils, water, and electricity shall be considered and held to be a common carrier, and subject to all the duties and liabilities of such carriers under the laws of this state.

Right to appropriate public way, how acquired.

Filling of excavations.

Common carrier.

Repeals

SECTION 2. That said original section 3878 be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
185G

[House Bill No. 353.]

AN ACT

To amend section 1 of an act entitled "An act to protect travelers on streets and highways," passed April 3, 1889, relative to overhead crossings of railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act to protect travelers on streets and highways," passed April 3, 1889, be amended so as to read as follows:

Ballway
bridges over
highways; as
to piers or
supports.

Companies
must provide
that nothing
may fall from
or through
so as endan-
ger those
traveling
beneath.

Repeals.

Sec. 1. It shall be unlawful for any person, company or corporation owning or operating any railroad, crossing, or that may hereafter cross, over and above any street, less than seventy feet in width, in any city in this state, at an elevation above such street, sufficient to permit persons to pass and repass along such street beneath such railroad crossing, to place or cause to be placed, or to suffer or permit to be or remain in such street, beneath such railroad crossing or bridge, any pier or other stay or support for such crossing or bridge unless the placing and maintaining of the same be authorized by the city in which such crossing is situated, by ordinance duly passed, or to suffer or permit any such railroad crossing or bridge to be or remain in such condition, that any iron, coal, or other hard substance, or any fluid or noisome matter, may fall or drop from or through any such crossing or bridge, upon persons traveling or passing beneath the same; and any such person, company or corporation owning or operating any such railroad, failing to comply with the requirements of, or violating any of the provisions of this section, shall, for each and every day during the continuance of such failure or violation, and on account thereof forfeit and pay to such city the sum of one hundred dollars, which may be recovered in a civil action, in the name of such city, against the owner or operator of such railroad, or both, as the city may elect, and thereafter like recovery may be had in like manner, for subsequent failures and violations aforesaid.

SECTION 2. That said original section 1 is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 21, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
186G

[Senate Bill No. 124.]

AN ACT

To regulate the manufacture, handling and storage of high explosives.

Be it enacted by the General Assembly of the State of Ohio:

Persons
manufactur-
ing, selling,
handling or
storing high
explosives
must file
statement with
chief inspector
of work-
shops and
factories.

SECTION 1. All persons, partnerships and corporations, within the state of Ohio, now engaged in manufacturing, selling, handling or storing powder, dynamite, nitro-glycerine, fuses or other explosives and their compounds, shall on or before the 15th day of September, 1904, file with the chief inspector of workshops and factories, upon blanks which shall be furnished by such inspector upon appli-

cation, a statement of the location of each factory, storehouse, or magazine, owned or controlled by such person, corporation or partnership, together with the character of the explosive manufactured, the quantity stored or kept on hand, the number of persons employed there, and the distance such factory, storehouse, or magazine is located from the nearest factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse or building in which people are accustomed to assemble, railroad or public highway. Each report filed shall be examined by the chief inspector of workshops and factories, and submitted to the inspector of high explosives who shall make a personal examination of each factory, storehouse and magazine, and if upon such examination, such factory, storehouse or magazine in his judgment shall be found to be located at a safe distance from [any] factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse or building in which people are accustomed to assemble, railroad or public highway, and to be so planned and managed as to insure as great safety as is consistent with the nature of the business, then the chief inspector of workshops and factories shall approve the plans and location of such factory, storehouse or magazine.

Duty of inspector of high explosives thereupon.

SECTION 2. Any person, corporation or partnership, that shall hereafter engage in the business of manufacturing, storing or handling any of the high explosives mentioned in section one of this act shall, before engaging in such business, report to the chief inspector of workshops and factories, upon blanks to be furnished by such chief inspector, upon application, the kind and amount of the explosives, such person, partnership or corporation proposes to manufacture or handle, together with a drawing showing the plans of all factories, storehouses and magazines, with an accurate statement of the distance such proposed factory, storehouse or magazine, shall be located from the nearest factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, or building in which people are accustomed to assemble, railroad or public highway, which report, together with the plans, shall be submitted to the inspector of high explosives for personal examination, correction and approval. And it shall be unlawful for any person, partnership or corporation to engage in such business until such plans are approved by the chief inspector of workshops and factories, and it shall be unlawful for any person, partnership or corporation now engaged in the business of manufacturing, handling or storing any of the high explosives mentioned in section one of this act to continue such business after September 15, 1904, without the approval of the chief inspector of workshops and factories as provided in section 1 of this act. Any person, partnership or corporation who shall engage in the business of manufacturing, storing or handling any of the high explosives mentioned in section one of this act on or at any time after

Before engaging in the business mentioned above, report must be filed with chief inspector of workshops and factories.

Duty of inspector of high explosives thereupon.

Penalty for violation of this act.

When act does
not apply.

September 15, 1904, without first having obtained the approval of the chief inspector of workshops and factories as herein provided, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$100, nor more than \$1,000. Nothing in this act shall be held to apply to persons, partnerships or corporations engaged in the wholesale or retail drug business, or to retail dealers in gunpowder, fuses or fireworks, who store not to exceed twenty-five (25) pounds at any one place at one time, and it shall be the duty of the chief inspector of workshops and factories and the inspector of high explosives to enforce the provisions of this act.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 22, 1904.
Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
187G

[House Bill No. 294.]

AN ACT

To amend section 845 of the Revised Statutes of Ohio, and to repeal sections 1001, 1005, 1006, 1007, 1008, 1009 and 1010 of said statutes, and section 3 of an act, passed April 19th, 1893, entitled "An act to amend section 3 of "An act entitled an act to amend section 1001 of the Revised Statutes, as amended March 26th, 1880," passed April 14th, 1884 (81 O. L. 193)"; and section 3 of an act passed March 8th 1893 entitled "An act to provide for the employment and payment of counsel and other expenses, in actions brought by or against boards of county commissioners and other county officers in the courts of the United States of America."

Be it enacted by the General Assembly of the State of Ohio:

County com-
missioners:

SECTION I. That section 845 of the Revised Statutes be amended so as to read as follows:

General power
and duties;
liability for
damages.

Sec. 845. The board of county commissioners shall be capable of suing and being sued, pleading and being impleaded in any court of judicature, and of bringing, maintaining and defending all suits, either in law or in equity, involving an injury to any public, state or county road, bridge or ditch, drain or watercourse established by such board in its county, and for the prevention of injury to the same and any such board of county commissioners shall be liable in its official capacity for any damages received by reason of its negligence or carelessness in keeping any such road or bridge in proper repair, and to ask, demand and receive, by suit or otherwise, any real estate or interest therein, whether the same is legal or equitable, belonging to the county or any sum or sums of money or other prop-

erty due to such county, and the money so recovered in any case shall be paid into the treasury of the county, and the board shall take the treasurer's receipt therefor and file the same with the county auditor.

(Clerk of the board.) In counties in which said board shall find it necessary for the clerk to devote his entire time to the discharge of the duties of such position said board shall have authority to appoint a clerk, in lieu of the auditor under section 1021 of the Revised Statutes, and the necessary assistants to such clerk. Such clerk shall perform such duties as may be required by law and by said board.

Clerk of the board; his duties.

(Superintendent, watchmen, janitors.) Said board may employ a superintendent, and such watchmen, janitors, and other employes, as may be necessary for the care and custody of the court house, jail, and all other county buildings, and of all bridges, and other property under the jurisdiction and control of said board.

Superintendent, watchmen, janitors, etc.

(Engineer, assistant engineers, rodmen and inspectors.) Whenever in any county the services of an engineer are required with respect to roads, turnpikes, ditches, or bridges or to their improvement or construction, or with respect to any other matter, requiring the services of an engineer, and whenever said board, on account of the amount of work to be performed, shall deem it necessary, said board, upon the written request of the county surveyor, may employ a competent engineer and as many assistant engineers, rodmen, and inspectors, as may be needed, and shall furnish said engineer and assistants with suitable offices and with the necessary books, stationery, instruments and implements for the proper performance of the duties required of such persons. Said engineer, assistants, rodmen, and inspectors shall perform such duties as may be imposed on them by such board.

Engineer, assistant engineers, rodmen and inspectors.

(Legal counsel.) Whenever the board of county commissioners of any county deems it advisable, it may employ legal counsel and the necessary assistants upon such terms as it may deem for the best interests of the county, for the performance of the duties herein enumerated. Such counsel shall be the legal adviser of the board of county commissioners and the board of control, where there is such board, and of all other county officers, of the annual county board of equalization, the decennial county board of equalization, the decennial county board of revision, and the board of review; and any of said boards and officers may require of him written opinions or instructions in any matters connected with their official duties. He shall prosecute and defend all suits and actions, which any of the boards above named may direct, or, to which it or any of said officers may be a party, and shall also perform such duties and services as are now required to be performed by prosecuting attorneys under sections 799, 1277, 1278a and 3977 of the Revised Statutes, and as may at any time be required by said board of county commissioners.

Legal counsel.

Compensation
and expenses.

(Compensation and expenses.) Said board of county commissioners shall fix the compensation of all the persons appointed or employed under the provisions of this act, which compensation together with their reasonable expenses shall be paid out of the county treasury upon the allowance of said board.

None of the provisions of section 2834b of the Revised Statutes shall apply to the appointment or employment herein authorized to be made.

Repeals.

SECTION 2. That sections 845, 1001, 1005, 1006, 1007, 1008, 1009 and 1010 of the Revised Statutes and section 3 of an act, passed April 19th, 1893, entitled "An act to amend section three of an act entitled "An act to amend section 1001 of the Revised Statutes, as amended March 26, 1880," passed April 14th, 1884 (81 O. L. 193)," and section 3 of an act passed March 8th 1893, entitled "An act to provide for the employment and payment of counsel, and other expenses, in actions brought by or against boards of county commissioners and other county officers in the courts of the United States of America," be and the same are hereby repealed.

When act shall
take effect.

SECTION 3. This act shall take effect and be in force on and from the twentieth day after its passage.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

188G

[Senate Bill No. 160.]

AN ACT

To amend sections 6826 and 6827 and to amend and supplement section 6827a of the Revised Statutes of Ohio by making the provisions of said sections apply to all state benevolent, penal and reformatory institutions, providing penalties for abducting the inmates thereof or enticing them to escape, trespassing upon the grounds of such institutions or for obtaining property from inmates, and providing for the return of escaped inmates.

Be it enacted by the General Assembly of the State of Ohio:

Crimes
against the
person:

SECTION 1. That section 6826 and 6827 of the Revised Statutes of Ohio be amended and section 6827a of the Revised Statutes of Ohio be amended and supplemented to read as follows:

Abducting
inmates from
state institu-
tions.

Sec. 6826. (Abducting inmates from state institutions.) Whoever abducts any person who is an inmate of any of the state benevolent, penal or reformatory institutions shall be imprisoned in the penitentiary not more than five years nor less than one year.

Sec. 6827. (Enticing inmates to escape from state institutions; harboring fugitive inmates.) Whoever persuades, induces or entices, or attempts to persuade, induce or entice any person who is an inmate of any of the state benevolent, penal or reformatory institutions to escape therefrom, or whoever conceals or harbors any such person knowing him or her to have run away from any such institution, shall be fined not more than one hundred nor less than twenty dollars.

Enticing inmates to escape from state institutions; harboring fugitive inmates.

Sec. 6827a. (Trespassing upon grounds of state institutions; communicating with inmates.) Whoever trespasses, idles, lounges, or loiters upon the grounds of any of the state benevolent, penal or reformatory institutions, or communicates or attempts to communicate by signals, signs, writing or otherwise with any inmate of such institution, or conveys or assists in any way in establishing communication between an inmate of such institution and any person or persons outside thereof except as authorized by the rules and regulations of its board of managers or trustees, shall be fined not more than ten dollars nor imprisoned not more than ten days, or both, at the discretion of the court.

Trespassing upon grounds of state institutions; communicating with inmates.

See section 674-13 Revised Statutes.

Sec. 6827b. (Misdemeanor to purchase or procure clothing or other articles from inmates of state institutions.) Whoever with intent to defraud, purchases, accepts from as a gift or secures by barter or trade or in any other manner, any article of clothing from an inmate of any of the state benevolent, penal or reformatory institutions, issued to him or her by any officer of such institution for his or her use, or with such intent secures any other article or articles belonging to any inmate of such institutions or to such institution from an inmate thereof, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than double the value of such article and in no case less than twenty-five dollars.

Misdemeanor to purchase or procure clothing or other articles from inmates of state institutions.

See section 758 Revised Statutes.

Sec. 6827c. (Arrest and return of fugitives from state institutions.) Any fugitive from any of the state benevolent, penal or reformatory institutions may, on the order of the superintendent or other officer of such institution, be arrested and returned to such institution, or to any officer or agent thereof, by any sheriff, constable or police officer, or other person, and may also be arrested and returned by any officer or agent of such institution.

Arrest and return of fugitives from state institutions.

SECTION 2. (Repeals.) Sections 6826, 6827 and 6827a of the Revised Statutes of Ohio are hereby repealed.

Repeals.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

189G

[Senate Bill No. 131.]

AN ACT

To amend section 2823 of the Revised Statutes of Ohio, relating to the levying of taxes by county commissioners.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

Commissioners, at June session, may levy for county purposes three mills; for county buildings, purchasing sites therefor and lands for infirmary purposes, two mills.

Certain buildings, if destroyed, to be provided for by special levy.

SECTION 1. That section 2823 of the Revised Statutes of Ohio be and it hereby is amended so as to read as follows:

Sec. 2823. The commissioners of any county, at their June session, annually, may levy not to exceed three mills on each dollar of valuation of taxable property within their county, for county purposes other than for roads, bridges, county buildings, sites therefor, the purchase of lands for infirmary purposes, and for the purpose of building county buildings, purchasing sites therefor, and lands for infirmary purposes, not to exceed two mills; provided, also, however, that in any county, any county infirmary building or buildings, or children's home building or buildings, built or in process of construction, has, or have, or shall hereafter be, wholly or partly destroyed by fire, or other casualty, and such county shall be without sufficient funds applicable to the purpose with which to rebuild or repair such building or buildings so destroyed or injured, the commissioners, at any regular or called session, may levy a tax that will produce the sum required for such purpose, not exceeding, in any case, ten thousand dollars; and if the commissioners, deem it advisable, they may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so levied, at any rate of interest not exceeding seven per centum, per annum, payable semiannually, and may issue notes or bonds therefor, payable when said tax shall be collected.

Repeals.

SECTION 2. That said original section 2823, be, and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

190G

[House Bill No. 332.]

AN ACT

To authorize judges of courts of common pleas to make certain appointments to aid in the administration of justice, to define the duties of such appointees, and to repeal sections 471, 472, 473, 474-1, 1282-1, 1282-2, and 1282-3 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Common pleas court may appoint interpreters, criminal bailiff and secret service officer.

SECTION 1. That the judge of the court of common pleas of any county, or, if there be more than one judge, then the judges of said court, in joint session, if they deem such appointments advisable and advantageous, and in aid of the

performance of the duties required in and about the administration of justice, shall have authority to make any or all of the appointments herein enumerated, to-wit:

First. A court interpreter, who shall take an oath of office, and hold his position at the will of said judge or judges, and shall, under the direction of the court, or any judge thereof, interpret the testimony of witnesses, and translate any writing necessary to be translated in court, or in any cause therein, and perform such other services as are required by the court or any judge thereof.

Such interpreter shall, without extra compensation, render such services in the circuit court, superior court, probate court and court of insolvency, as the judges of those courts may require. He shall receive for his services a compensation to be fixed by the judges appointing him, not to exceed twelve hundred dollars per annum, or such sum in each particular case as the court, requiring his services, may deem just; and his compensation shall be payable out of the county treasury monthly upon the warrant of the county auditor when the compensation is a stipulated salary, and in other cases, at the conclusion of his services, upon the certificate of the judge of the court, in which such services were rendered.

Second. A criminal bailiff for such county, who shall be a deputy sheriff and who shall hold his position during the pleasure of the judge or judges of said court. He shall receive such compensation as may be fixed by such judge or judges at the time of his appointment, not to exceed the amount permitted by law to be allowed court constables in the same court which shall be paid monthly out of the county treasury upon the warrant of the county auditor. He shall perform such services as are required by section 474-2 of the Revised Statutes and by the sheriff of such county, and shall give bond as required by section 474-4 of said statutes.

Third. A secret service officer for the prosecuting attorney's office, whose duty it shall be to aid the prosecuting attorney in the collection and discovery of testimony to be used in the trial of all criminal cases and in matters of a criminal nature. Such appointment may be made for such term as such judge or judges may deem advisable, but subject to termination at any time for cause sufficient within the judgment of the judge or judges of said court. He shall receive such compensation, payable monthly out of the county fund upon the warrant of the county auditor, as the judge or judges so appointing shall determine, but not exceeding the rate of fifteen hundred dollars per annum.

SECTION 2. That sections 471, 472, 473, 474-1, 1282-1, 1282-2 and 1282-3 of the Revised Statutes of Ohio be and the same are hereby repealed. Repeals.

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

Passed April 22, 1904.

President of the Senate.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

[House Bill No. 449.]

AN ACT

To amend section 6919 of the Revised Statutes of Ohio, relating to indictments for nuisance.

Be it enacted by the General Assembly of the State of Ohio:

Offenses
against public
health:

Corporations
may be
prosecuted
for nuisance.

Court to
order nuis-
ance abated.

SECTION 1. That section 6919 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 6919. Corporations may be prosecuted by indictment for violation of any of the provisions of sections sixty-nine hundred and twenty-one, sixty-nine hundred and twenty-two, sixty-nine hundred and twenty-three, sixty-nine hundred and twenty-four, sixty-nine hundred and twenty-five, and sixty-nine hundred and twenty-six, and sixty-nine hundred and twenty-seven; and in every case of conviction under said sections the court shall adjudge that the nuisance described in the indictment shall be abated or removed by the defendant within a time fixed by the court, and, if the nuisance described in the indictment is of a recurring character, that said defendant shall keep such nuisance abated; and whenever the defendant so convicted fails, neglects, or refuses to abate the nuisance described in the indictment, as ordered by the court, or, if the nuisance is of a recurring character, fails, neglects or refuses to keep the same abated, proceedings as for contempt of court may be instituted against the defendant so convicted and all others assisting in or conniving at the violation of such order, and the court may issue an order to the sheriff to execute the order of abatement at the cost and expense of the defendant.

Repeals.

SECTION 2. That said original section 6919 of the Revised Statutes of Ohio be, and the same is hereby repealed.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 21, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

192G

[House Bill No. 469.]

AN ACT

To authorize the governor of the state of Ohio to convey to the United States of America a part of what is known as the Ice Harbor lot, in Marietta, Ohio.

WHEREAS, The legal title to the parcel of land lying in the city of Marietta, Ohio, and bounded by Putnam street, Front street, Butler street and the Muskingum river, and known as the Ice Harbor lot, except a portion heretofore conveyed to the United States of America, is in the state of

Ohio, while the use and control of the same belong to the city of Marietta and the ministerial trustees of section 29 in said city; all of which is fully set out and shown by an act of the legislature of Ohio, passed on the 17th day of March, 1898, and entitled an act to authorize the governor of Ohio to convey to the United States of America certain land situated within the corporate limits of the city of Marietta, etc.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That upon the application and request of the city council of Marietta, Ohio, by resolution duly passed, and the application and request of the ministerial trustees of section 29 in said city of Marietta, the governor of the state of Ohio is hereby authorized and empowered, in behalf of the state of Ohio, to convey to the United States of America, as may be designated by said city council and ministerial trustees, any or all of the parcel of land in the city of Marietta, Ohio, bounded by Putnam street, Front street, Butler street and the Muskingum river, except that part already conveyed away by the state of Ohio, or to which the state has otherwise lost title.

Governor
authorized to
convey certain
land to
United States.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 21, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,
Governor.
193G

[House Bill No. 412.]

AN ACT

To amend section 4475 of the Revised Statutes of Ohio, relating to the time and manner in which county commissioners shall let work.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4475 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 4475. In cases where appeals have been taken after the transcript of the proceedings before the probate judge, and all other papers in the case are returned to the auditor's office, the commissioners shall cause such entry to be made on their journal as may be necessary to give effect to the verdict, and findings of the jury, and in such cases and in cases where no appeals have been taken, they shall fix a time for the sale of the construction of the improvement at public outcry in sections not less than one hundred feet nor more than sixteen thousand feet in length, or said construction and improvement may be sold as an entirety in the discretion

County
ditches:

When and
how com-
missioners to
sell out work.

of the county commissioners and county surveyor or engineer, and shall cause notice to be given of the time and place of the sale, and direct the county surveyor to attend at the time and place of sale to superintend and conduct the same, and shall receive all bids for the construction of the improvement, and make contracts with the lowest responsible bidder, and take good and sufficient bonds for the labor of the construction of the improvement, conditioned for the faithful performance of the contract so made, and for the completion of the work within time fixed in the contract in a sum not less than the estimated value of the part bid off, and contracted to be performed by each, and said county surveyor shall furnish each contractor with specifications of the part bid off by him.

Repeals.

SECTION 2. That said original section 4475 of the Revised Statutes of Ohio be and the same is hereby repealed.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

194G

[House Bill No. 579.]

AN ACT

To authorize guardians to lease land containing coal.

Be it enacted by the General Assembly of the State of Ohio:

Real property
of minors may
be leased for
mining pur-
poses.

SECTION 1. That the guardian of the person and estate, or estate only, of any minor, may be authorized by the probate court of the county in which the lands are situated, to lease upon such terms and for such period of time as the probate court may approve, any lands in such county belonging to such wards, containing coal, for the purpose of mining for and removing the same, and the provisions of section 6301 of the Revised Statutes of Ohio shall not apply to any lease of land for the purpose of mining for and removing coal and the procedure for obtaining said authority from the probate court shall be the same as is now provided by law for the lease of land supposed to contain coal or gypsum.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

MYRON T. HERRICK,

Governor.

195G

[Senate Bill No. 174.]

AN ACT

To amend section 3 of an act entitled, "An act to provide for the appointment of a board of review for the equalization of real and personal property," passed May 10, 1902, 95 O. L., p. 481.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled, "An act to provide for the appointment of a board of review for the equalization of real and personal property," shall be, and hereby is amended so as to read as follows:

Boards of
equalization:

Sec. 3. The county commissioners shall fix the salary of the members of such board of review, which salary shall not be less than three dollars and fifty cents per day for each and every day the board shall be in session, and not to exceed two hundred and fifty (\$250.00) dollars per month for the time such board may be in session, which salary shall be payable monthly out of the county treasury upon the order of said board and the warrant of the county auditor:

Board of
review for
municipalities;
compensation
of members;
meetings,
where held.

And said board shall meet in rooms provided by the county commissioners, and shall, when in session, devote their entire time to the duties of their office, and no member thereof shall be engaged in any other business or employment during the period of time covered by the session of the board.

Said board shall have power to employ a chief clerk and appoint such other clerks not exceeding six (6), such messengers, not exceeding six (6), as it may deem necessary, and fix their compensation, which shall be paid out of the county treasury upon the order of said board and the warrant of the county auditor, and such incidental expenses as said board shall deem necessary, shall be paid out of the county treasury in like manner.

Clerks and
other
employees.

SECTION 2. Said original section 3 shall be and is hereby repealed.

Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved April 23, 1904.

196G

MYRON T. HERRICK,
Governor.

[House Bill No. 292.]

AN ACT

Fixing the salaries of the county surveyors in various counties of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The county surveyor in each county of the state of Ohio shall receive in full compensation for his services a salary, not to exceed \$3,000.00 per annum, and the

Compensation
of county
surveyor and
assistants.

judges of the court of common pleas of each county are hereby constituted a commission to fix the amount of compensation of the surveyor of the county. Such annual compensation shall be so fixed once each year. When such commission shall deem it necessary the county surveyor may appoint deputies, not exceeding three (3) in number, as prescribed in section 1166 of R. S. of Ohio, at a salary for one, not exceeding two-thirds of the salary of the surveyor; and for the other two, not exceeding for each, one-half of the salary of the surveyor per annum; and shall appoint such other assistants as are provided in this act.

How paid.

SECTION 2. Said commission shall fix an aggregate sum to be expended for the compensation of such assistants, engineers, draftsmen and inspectors as may be deemed necessary to properly carry out the official duties of the office. The compensation of the surveyor, his deputies and other employes shall be paid monthly on the warrant of the county auditor out of the various improvement funds of the county in such amounts as may be prorated by the county auditor, to the various improvement funds. The county surveyor shall be responsible for the inspection of all public improvements, planned by him. The board of county commissioners shall allow the surveyor and said other employes their actual and necessary traveling expenses while engaged on county work, a statement of which expenses shall be verified under oath by the person incurring the same.

Expenses.

Repeals.

SECTION 3. The fees and mileage charges for services as prescribed in sections 1171, 1177, 1178, 1183, 1192, 1194 and 4664 are hereby repealed.

SECTION 4. All acts or parts of acts inconsistent herewith are hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

197G

[House Bill No. 384.]

AN ACT

To amend section 1271 of the Revised Statutes of Ohio relating to the appointment of assistants to prosecuting attorneys and to repeal sections 1271, 1271a of the Revised Statutes of Ohio, and section 1 of an act entitled, "An act authorizing the prosecuting attorney of any county having a city of the first class, second grade, to appoint a clerk, passed April 10th, 1900."

Be it enacted by the General Assembly of the State of Ohio:

Prosecuting
attorneys:

SECTION 1. That section 1271 of the Revised Statutes of Ohio be amended so as to read as follows:

Assistant
prosecuting
attorneys,
clerks and
stenographers;
appointment
and compen-
sation.

Sec. 1271. The judge of the court of common pleas in each county, or if there be more than one judge, then the judges of said court in joint session, may, immediately on the passage of this act, fix an aggregate sum to be expended for the remainder of the year 1904, and may, on or before the first Monday in January of each year thereafter, fix an aggregate sum to be expended for the incoming year, for the compensation of assistants, clerks and stenographers of the prosecuting attorney's office. The prosecuting attorney may appoint such assistants, clerks and stenographers as he shall deem necessary for the proper performance of the duties of his office, and shall fix their compensation, but such compensation shall not exceed in the aggregate the amount fixed by the judge or judges of the court of common pleas as herein provided, and the compensation after being so fixed shall be paid to such assistants, clerks and stenographers of the prosecuting attorney's office, monthly out of the county treasury upon the warrant of the county auditor out of the general fund.

Repeals.

SECTION 2. That sections 1271, 1271a of the Revised Statutes of Ohio, and section 1 of an act entitled "An act authorizing the prosecuting attorney of any county having a city of the first class, second grade, to appoint a clerk passed April 10th, 1900," be and the same are hereby repealed.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

198G

Governor.

[House Bill No. 583.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

Appropriations for
sundry
purposes.

For salaries of members of the general assembly. 85,800.00
For expenses of electoral college..... 1,000.00

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

Passed April 25, 1904.

President of the Senate.

Approved April 25, 1904.

MYRON T. HERRICK,

199G

Governor.

[House Bill No. 487.]

AN ACT

To amend section 40 of the Revised Statutes of Ohio, relating to salaries of the members of the general assembly.

Be it enacted by the General Assembly of the State of Ohio:

Organisation
of general
assembly:

SECTION 1. That section 40 of the Revised Statutes of Ohio, as amended April 15, 1889, (86 v. 347), is so amended as to read as follows:

Salary and
mileage of
members of
general
assembly.

Sec. 40. Each member of the general assembly shall receive for his term of office the sum of twelve hundred dollars, payable in monthly installments of one hundred and fifty dollars each, but upon the adjournment of the general assembly, without day, there shall be paid the balance of such sum then remaining unpaid; and also twelve cents per mile each way for traveling from and to his place of residence, by the most direct route of public travel to and from the seat of government, but if any member is absent without leave, and is not excused on his return, there shall be deducted from his compensation the sum of five dollars for each day's absence.

Repeals.

SECTION 2. That section 40 of the Revised Statutes of Ohio, as amended April 15, 1889, (86 v. 347), is repealed.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

200G

[Senate bill No. 254.]

AN ACT

To amend section 7274 of the Revised Statutes of Ohio, relating to peremptory challenges.

Be it enacted by the General Assembly of the State of Ohio:

Trial and
proceedings
thereon:

SECTION 1. That section 7274 of the Revised Statutes of Ohio be amended so as to read as follows:

Challenge,
peremptory
and for
cause.

Sec. 7274. The prosecuting attorney may peremptorily challenge four of the panel, and he and the defendant may challenge jurors for cause.

Repeals.

SECTION 2. That said original section 7274 be and the same is hereby repealed.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April —, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

201G

AN ACT

To amend sections 3063 and 3064 Revised Statutes of Ohio as amended April 29, 1902, relating to courts martial, military boards and field officers' courts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3063 and 3064, Revised Statutes of Ohio, as amended April 29, 1902, be amended so as to read as follows:

Sec. 3063. The commander-in-chief may order courts martial for the trial of officers and enlisted men at such times as the interest of the service may require.

Courts of inquiry may be ordered by the commander-in-chief, upon the application of the officer concerned, to inquire into the nature of any transaction of, or accusation or imputation against, such officer.

The commander-in-chief is authorized to appoint from time to time military boards of not less than three nor more than five officers, to examine into the capacity, qualifications, conduct and efficiency of any commissioned officer of the national guard: Provided, that each member of the board shall not be below the grade of the officer whose qualifications are to be inquired into, and provided further, that if the report of such a board is adverse to the continuance in the service of any officer, and the report be approved by the commander-in-chief, such officer shall be discharged from the military service of the state.

General courts martial, garrison courts martial, regimental courts martial, summary courts, courts of inquiry and military boards shall be organized and governed as near as may be in conformity with the articles of war and regulations and rules of procedure, as established now and hereafter for the government of the United States army except that garrison courts martial, regimental courts martial and summary courts shall have the power to inflict the penalty of dishonorable discharge when such penalty is approved by the commanding officer of the battery, troop, company, corps, or other detachment, to which the defendant belongs, and when such penalty is also approved by the commander-in-chief.

Sec. 3064. The commanding officer of a regiment or of separate battalion may appoint a summary court or summary courts, each to consist of an officer of his command, for the trial of offenses of enlisted men which are within the jurisdiction of a summary court in the United States army.

And the commanding officer of each garrison, fort or other place or of any separate battery, troop, company or other detachment of the Ohio national guard, may appoint a summary court, to consist of an officer of such command, for the trial of enlisted men thereof for offenses which are within the jurisdiction of a summary court in the United

Militia and
military
affairs:

Courts
martial.

Courts
of inquiry.

Military
boards.

Procedure of
courts.

Summary
courts.

States army. Provided that when but one commissioned officer is present with such command he shall hear and finally determine such cases. Garrison courts martial and regimental courts martial may, when deemed necessary, be appointed as provided by the articles of war and statutes and regulations for the government of the United States army.

Repeals.

SECTION 2. That said original sections 3063 and 3064 of the Revised Statutes of Ohio, as amended April 29, 1902, be and the same are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
203G

[Senate Bill No. 219.]

AN ACT

To limit the right of habeas corpus in case a person is detained in a benevolent or penal institution, located by statute, to the county in which such institution is situated.

Be it enacted by the General Assembly of the State of Ohio:

Habeas
corpus:

SECTION 1. That section 5727 of the Revised Statutes of Ohio be supplemented with supplementary section 5727a as follows:

Court of
what county
to have juris-
diction to
issue or
determine writ
of habeas
corpus for
production or
discharge of
inmate of a
benevolent or
penal institu-
tion.

Sec. 5727a. If the person who is restrained of his liberty be an inmate of a benevolent or penal institution of this state, the location of which is fixed by statute, and if such inmate be at the time in the custody of the lawful officers of such institution, no court or judge shall have jurisdiction to issue or determine a writ of habeas corpus for the production or discharge of such inmate, save only the courts or judges of the county where such institution is located by law; and any such writ issued by or from a court or judge of any other county to an officer or person in charge at such state institution to compel the production or discharge of an inmate thereof shall be void and of no effect whatever.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
204G

[Senate Bill No. 132.]

AN ACT

To define and punish the offense of impersonating an officer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6913 of the Revised Statutes of Ohio be supplemented by the enactment of 6913a to read as follows:

Offenses
against public
justice:

Sec. 6913a. Any person not a member of a regularly organized municipal police department, or a legally elected public official, or commissioned by the proper legal authority, who shall falsely represent himself to be a police officer, a sheriff, deputy sheriff, constable; or any person not a member of a municipal police department who shall for the purpose of said false representation wear any uniform or part of a uniform, similar to the uniform worn by any member of any municipal police department in the state of Ohio, shall be deemed guilty of a misdemeanor, and shall pay a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), or be imprisoned in the workhouse not less than thirty (30) days nor more than six (6) months, or both, in the discretion of the court.

Penalty for
impersonating
an officer.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

205G

[Senate Bill No. 240.]

AN ACT

To amend section 759 of the Revised Statutes of Ohio providing for the compensation and expenses of the officer transporting a youth to the boys' industrial school.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Sec. 759 of the Revised Statutes of Ohio be amended so as to read as follows:

Boys' indus-
trial school:

Sec. 759. The expense incurred in the transportation of a youth to the boys' industrial school, shall be paid by the county from which he is committed, to the officer or person delivering him, upon the presentation of his sworn statement of accounts of such expenses, and such officer shall receive as compensation, five cents per mile each way from his home to the boys' industrial school by the nearest route; and the costs in any case, shall be paid in like manner upon the certificate of the proper officer of the court

Transporta-
tion ex-
penses.

Costs of
commitment.

in which he was convicted; if, however, such youth has been convicted of a crime, the punishment of which is confinement in the penitentiary, the costs in the case, and the expenses of his transportation shall, on like statement and certificate, be paid out of the state treasury.

Repeals.

SECTION 2. That original section 759 be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
206G

[Senate Bill No. 115.]

AN ACT

To supplement sections 143 & 124 of an act entitled, "An act to provide for the organization of cities and incorporated villages and [to] restrict their powers of taxation, assessment, borrowing money, contracting debts and loaning their credit so as to prevent the abuse of such powers as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith." [Passed October 22nd, 1902.]

Be it enacted by the General Assembly of the State of Ohio:

**Municipal
corporations :**

SECTION 1. That sections 143 and 124 of an act entitled, "An act to provide for the organization of incorporated cities and [incorporated] villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be and the same are hereby supplemented by the following, to-wit:—

**May contract
for furnishing
of water
power.**

Sec. 143a. That the directors of the board of public service, of all municipal corporations, by and with the consent of the councils of such municipal corporations, are hereby empowered to enter into and contract with the owners of any hydraulic or other natural or artificial watercourse to furnish water power for the propelling of machinery now or hereafter to be [erected] directed in the waterworks, electric light or gas plants of such municipal corporations, or to acquire by purchase or transfer from others owning such rights, such water power privileges, and for the purpose of carrying into effect such contracts or leases, the said directors of public service may enter into such contracts for any term of years, and the provisions of section 143 and of section 45 of this act herein referred to and to which this is supplemental, shall not apply.

Sec. 124a. Whenever ordinances which have been passed and published shall be revised, codified, rearranged and published in book form and certified as correct by the city or village clerk and the mayor thereof, such publication in book form shall be taken and held to be in lieu of publishing the same as required by section 124 and shall be a sufficient publication to all intents and purposes, but any and all ordinances passed subsequent to such revision and codification shall be subject to all the provisions of section 124 requiring publication in a newspaper or newspapers. Such revision and codification may be made under appropriate titles, chapters and sections and in one ordinance containing one or more subjects.

Codification
of ordi-
nances, etc.;
publication of
in book form
sufficient.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
207G

[Senate Bill No. 58.]

AN ACT

To amend sections 1, 2 and 3 of an act entitled "An act to regulate the employment of minors and to repeal sections 6986 R. S., passed April 25th, 1891; 6986aa R. S., passed March 21, 1887; 6986bb R. S., passed April 27, 1885; 6986c R. S., passed April 27, 1885," passed April 19, 1898, as amended May 12, 1902, relative to the employment of minors. Relating to a complete system of certificates by which employers can determine the age of minor labor. To make the minor labor law conform with the compulsory education law and providing a way to determine the physical fitness of minor labor under 16 years of age.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That sections 1, 2 and 3 of an act entitled "An act to regulate the employment of minors and to repeal sections 6986, R. S., passed April 25, 1891; 6986aa R. S., passed March 21, 1887; 6986bb R. S., passed April 27, 1885; 6986c R. S., passed April 27, 1885," passed April 19, 1898, as amended May 12, 1902, be amended to read as follows:

Schools and
attendance
enforced:

Sec. 1. No child under the age of fourteen years shall be employed in any factory, workshop, mercantile or other establishment, directly or indirectly at any time, nor be employed as messenger or driver therefor; and no child under [said] the age shall be employed in any other manner, whether it be for compensation or otherwise, when the public schools in which district such child resides are in session.

Unlawful
employment
of minors.

Age and schooling certificate; production of as condition of employment.

Every person, company or corporation, or agent having charge of or the management of such factory, workshop, mercantile or other establishment employing any child over fourteen years and under sixteen years of age, shall exact the age and schooling certificate prescribed in section 4022-2 as a condition of employment, and shall keep the same on file, and shall upon the request of the chief or district inspector of workshops and factories produce said certificates for inspection; but no person authorized as aforesaid shall approve such certificates for any child under sixteen years of age then in or about to enter his own employment or the employment of a firm, company or corporation of which he is a member, officer, or employee. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism, or in some such manner, that said child is of the age required as aforesaid; failure to produce to an inspector of workshops and factories an age and schooling certificate, as aforesaid required, shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced.

Prima facie evidence of illegal employment.

In case of doubt of the physical fitness of such minor, the inspector shall require a certificate signed by a medical officer of the board of health, certifying that such child is in sound health and physically able to perform the work he is required to do.

Record of minors employed.

Sec. 2. It shall be the duty of every person employing minors under the age of eighteen years to keep a register in which shall be recorded the name, birthplace, age and place of residence of every minor employed by him under the age of eighteen years. No boy under sixteen years of age and no girl under eighteen years of age, shall be employed at any work at night time later than seven o'clock in the evening nor earlier than six o'clock in the morning, and no minor under eighteen years of age shall be employed in any of the places named in section 6986-7 of the Revised Statutes of Ohio for a longer period than ten hours in one day, nor more than fifty-five hours in one week; and every such minor under eighteen years of age shall be entitled to no less than thirty minutes for meal time at noon, but such meal time shall not be included as part of the work hours of the day; and every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the maximum number of work hours required in one week, and in each day of the week from such minors; such printed notice to be furnished by the chief inspector of workshops and factories, and approved by the attorney-general.

Night employment.

Number of hours of employment; time for noon meal.

Notices to be posted by employers.

Penalty.

Sec. 3. Any person, firm or corporation who shall employ any minor contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall, upon conviction, be fined in any sum not less than ten dollars nor more than fifty dollars, and upon failure or refusal of any

such person, firm or corporation to pay said fine or costs according to the order of the court, then such person, firm or corporation shall be imprisoned in the county jail until such fine is paid.

SECTION 4. That original sections 1, 2 and 3, as amended are hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
208G

[Senate Bill No. 210.]

AN ACT

To amend sections 2676 and 2677 of the Revised Statutes of Ohio, relating to depth of excavations for foundations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2676 and 2677 of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 2676. If the owner or possessor of any lot or land, in any city or village, digs, or causes to be dug, any cellar, pit, vault, or excavation, to a greater depth than nine feet below the curb of the street or streets on which such lot or land abuts, or, if there be no curb, below the established grade of the street or streets on which such lot or land abuts, or, if there be no curb or established grade, below the surface of the adjoining lots, and by such excavation, causes any damage to any wall, house, or other building upon the lots adjoining thereto, such owner or possessor shall be liable, in a civil action, to the party injured, to the full amount of the damage aforesaid. When there is a curb or established grade, the depth of such excavation, at any point thereof, shall be measured downward from the pitch line projected laterally over the lot or land from and between the corresponding points in the nearest curb or established grade opposite the ends of such pitch line.

**Municipal
corporations:**

**Damage by
excavation to
be recovered
by civil
action.**

Sec. 2677. Such owner or possessor may dig, or cause to be dug, any such cellar, pit or excavation, to the full depth of any foundation wall of any building upon the adjoining lot or lots, or to the full depth of nine feet below the established grade of the street or streets whereon such lot abuts, without reference to the depth of adjoining foundation walls, without incurring the liability prescribed in this chapter, and may, on thirty days' notice to adjoining owners, grade and improve the surface of any lot to correspond with the established grade of the street,

**Depth of
excavation
allowable.**

streets or alley, upon which such lot or land abuts, without incurring liability.

Repeals.

SECTION 2. That said original sections 2676 and 2677 be and the same are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
209G

[Senate Bill No. 251.]

AN ACT

To amend sections 2780-17, 2780-18, 2780-19, 2780-20, 2780-21, of the Revised Statutes of Ohio and to re-enact sections 2780-22 and 2780-23 of the Revised Statutes of Ohio, relating to excise taxes.

Be it enacted by the General Assembly of the State of Ohio:

Listing personal property:

SECTION 1. That sections 2780-17, 2780-18, 2780-19, 2780-20 and 2780-21 of the Revised Statutes of Ohio be amended, and that sections 2780-22 and 2780-23 of the Revised Statutes of Ohio be re-enacted, so as to read as follows:

Electric light company.

Sec. 2780-17. That any person or persons, joint stock association or corporation, wherever organized or incorporated, when engaged in the business of supplying electricity for light, heat or power purposes, to consumers within this state, shall be deemed to be an electric light company; when engaged in the business of supplying artificial gas for lighting or heating purposes to consumers within this state, shall be deemed to be a gas company; when engaged in the business of supplying natural gas for lighting, heating or power purposes to consumers within this state, shall be deemed to be a natural gas company; when engaged in the business of transporting natural gas or oil through pipes or tubing, either wholly or partially, within this state, shall be deemed to be a pipe line company; when engaged in the business of supplying water, through pipes or tubing, or in a similar manner, to consumers within this state, shall be deemed to be a waterworks company; when engaged in the business of operating a street, suburban or interurban railroad, either wholly or partially within this state, whether the cars used in such business be propelled by animals, steam, cable, electricity, or other motor, shall be deemed to be a street, suburban or interurban railroad company; when engaged in the business of conveying to, from or through this state, or any part thereof, money, packages, gold, silver, plate or other article, by express, not including the ordinary lines of transportation of merchandise and property in this state,

Gas company.

Natural gas company.

Pipe line company.

Waterworks company.

Street, suburban or interurban railroad company.

Express company.

shall be deemed to be an express company; when engaged in the business of transmitting to, from, through, or in this state, telegraphic messages, shall be deemed to be a telegraph company; when engaged in the business of transmitting to, from, through, or in this state, telephonic messages, shall be deemed to be a telephone company; when engaged in the business of supplying messengers, or of signaling or calling by electrical apparatus, or in similar manner, for any purpose, shall be deemed to be a messenger or signal company; when engaged in the business of operating a union depot or station for railroad purposes, shall be deemed to be a union depot company; when engaged in the business of operating a railroad, either wholly or partially, within this state, whether on rights of way acquired and held exclusively by such company or otherwise, shall be deemed to be a railroad company; when engaged as a common carrier in the transportation of passengers or property, by boat or other water craft, over any waterway, whether natural or artificial, from one point within this state, to another point within this state, shall be deemed to be a water transportation company; when engaged in the business of supplying water, steam, or air, through pipes or tubing, to consumers within this state, for heating, or for cooling purposes, shall be deemed to be a heating, or a cooling company.

Telegraph company.

Telephone company.

Messenger or signal company.

Union depot company.

Railroad company.

Water transportation company.

Heating or cooling company.

Sec. 2780-18. Every electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot, heating, cooling, and water transportation company, defined in section (1) one hereof, doing business in this state shall, annually, between the first and thirty-first days of May, and every such railroad company shall, annually, on or before the first day of September, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state, of such association or corporation, if an association or corporation, make and file with the auditor of state a statement, in such form as the auditor of state may prescribe, containing the following facts:

Annual statements of such companies.

First. The name of the company.

Second. The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or country organized.

Third. The location of its principal office.

Fourth. The name and post office address of the president, secretary, auditor, treasurer and superintendent or general manager.

Fifth. The name and post office address of the chief officer or managing agent of the company in Ohio.

Sixth. In the case of express companies the entire receipts (including all sums earned or charged, whether actually received or not) for business done within this state of

each agent of such company doing business in this state (giving the name of the office) for the year then next preceding the first day of May, for and on account of such company, including its proportion of gross receipts for business done by such company within this state in connection with other companies; also, the total amount of such receipts for business done within this state.

Seventh. In the case of telegraph and telephone companies, the entire gross receipts (including all sums earned or charged, whether actually received or not) for the year then next preceding the first day of May, from whatever source derived, whether messages, telephone tolls, rentals, or otherwise, for business done within this state of each office within this state (giving the name of the office) and the total gross receipts of the company for such period in Ohio from business done within Ohio.

Eighth. In the case of each railroad situated wholly within Ohio, the gross earnings from its operation, and in the case of each railroad located partly within and partly without Ohio, the gross earnings from the operation of the entire line, for the year ending the thirtieth day of June next preceding, with the miles of line within Ohio, and the miles of line without Ohio.

Ninth. In the case of each street, suburban or interurban railroad situated wholly within Ohio, the gross earnings from its operation and in the case of each street, suburban or interurban railroad located partly within and partly without Ohio, the gross earnings from the operation of the entire line, for the year ending the first day of May next preceding, with the miles of line within Ohio, and the miles of line without Ohio.

Tenth. In the case of companies, other than express, street, suburban and interurban railroads, and railroads, the entire gross receipts of the company (including all sums earned or charged, whether actually received or not) for business done within this state for the year then next preceding the first day of May, including the company's proportion of gross receipts for business done by it within this state in connection with other companies.

Eleventh. Such other facts and information as the auditor of state may require in the form of return prescribed by him.

Blanks for making the above statement shall be prepared, and, on application, furnished any electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot, railroad, heating, cooling, and water transportation company, by the auditor of state.

State board of
appraisers and
assessors:
how consti-
tuted and
officered;
minute of pro-
ceedings.

Sec. 2780-19. The auditor of state, treasurer of state, attorney-general and secretary of state shall constitute a board, named the state board of appraisers and assessors, of which board the auditor of state shall be ex officio president.

In the absence or inability of the auditor, the board shall appoint one of its members president pro tempore. The board shall appoint a secretary and full minutes of its proceedings shall be kept. The board shall, annually, on the first Monday in June, meet in the office of the auditor of state, and thereupon, or when received, the auditor of state shall lay before the board the statements and schedules returned to him under section 2780-18 of the Revised Statutes of Ohio. The reports made by railroad and telegraph companies to the commissioner of railroads and telegraphs may be regarded and treated by the board as reports made to it, and the board shall have power at any time to call upon such commissioner for information. The board may also consider the reports filed with the auditor of state by express, telegraph and telephone companies under the provisions of section twenty-seven hundred and seventy-eight, Revised Statutes of Ohio. The board shall proceed to ascertain and determine, on or before the second Monday in July, the entire gross receipts of electric light, gas, natural gas, pipe line, waterworks, express, telegraph, telephone, messenger or signal, union depot, heating, cooling, and water transportation companies for business done within Ohio, for the year then next preceding the first day of May, and the amounts ascertained by said board shall, in such instance, be held and deemed to be "the gross receipts of such electric light, gas, natural gas, pipe line, waterworks, express, telegraph, telephone, messenger or signal, union depot, heating, cooling, and water transportation company, for business done within Ohio" for the year under consideration. The board shall further proceed to ascertain and determine, on or before the first Monday in October, the gross earnings from its operation within Ohio of each railroad company whose line is wholly or partially within this state, for the year then next preceding the thirtieth day of June, and the amount ascertained by said board shall be held and deemed to be "the gross earnings of such railroad company from its operation within Ohio" for the year under consideration. In ascertaining the gross earnings from its operation within Ohio of a railroad company whose line lies partly within and partly without this state, the gross earnings from its operation of the entire line or system, shall be divided by the total number of miles operated to obtain the average gross earnings per mile, and the gross earnings from the operation within this state shall be taken to be the average gross earnings per mile multiplied by the number of miles operated within this state. The board shall further proceed to ascertain and determine, on or before the second Monday in July, the gross earnings from its operation within Ohio of each street, suburban or inter-urban railroad company whose line is wholly or partially within this state, for the year then next preceding the first day of May, and the amount so ascertained by said board shall be held and deemed to be "the gross earnings of such

Annual meetings; statements and reports to be submitted; power to call for information.

Ascertainment of gross receipts of companies other than railroad for preceding year.

Ascertainment of gross earnings of steam railroad companies for preceding year.

Ascertainment of gross earnings of street, suburban or inter-urban railroad companies for preceding year.

**Adjournment
pro tempore.**

**Self informa-
tion.**

**Right to
appear before
board and be
heard.**

**Review and
correction of
findings.**

**Penalty for
failure to file
statement;
recovery and
disposition of
penalty.**

**Fees of at-
torney-
general.**

street, suburban or interurban railroad company from its operation within Ohio" for the year under consideration. In ascertaining the gross earnings from its operation within Ohio of a street, suburban or interurban railroad company whose line lies partly within and partly without this state, the gross earnings from its operation of the entire line or system, shall be divided by the total number of miles operated to obtain the average gross earnings per mile, and the gross earnings from the operation within this state shall be taken to be the average gross earnings per mile, multiplied by the number of miles operated within this state. The board may adjourn from time to time, until the business before it is finally disposed of. In case of failure or refusal of any company to make the statement required by law, or furnish the board any information requested by it, the board shall inform itself, as best it may, on the matters necessary to be known, in order to discharge its duties under this act. And at any time after the meeting of the board on the first Monday in June, and before the gross receipts of any company other than street, suburban or interurban railroad or railroad, for business done within Ohio, or the gross earnings from its operation within Ohio of any street, suburban or interurban railroad company or railroad company are determined, any company or persons interested shall have the right, on written application, to appear before the board and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any company, other than street, suburban or interurban railroad or railroad, for the business done within Ohio, or of the gross earnings from its operation within Ohio, of any street, suburban or interurban railroad or railroad company and before the certification of the auditor of state of such amount, as provided in section 2780-21 of the Revised Statutes of Ohio the board may, on the application of any person or company interested, or on its own motion, review and correct its findings in such manner as may seem to it to be just and proper.

Sec. 2780-20. In case any company required to file a statement under the provisions of section 2780-18 of the Revised Statutes of Ohio fails to make and file such statement on or before the thirty-first day of May, such company shall be subject to a penalty of five hundred dollars, and an additional penalty of one hundred dollars for each day's omission after the thirty-first day of May to file such statement, said penalty to be recovered by action in the name of the state, and, on collection, paid into the state treasury to the credit of the general revenue fund. The attorney-general, on the request of the auditor of state, shall institute such action against any company so delinquent in the court of common pleas of Franklin county, or in any county in which such company does business, and shall be allowed for his services five per centum on the amount collected, to be retained by him and the balance paid into the state

treasury. The state board of appraisers and assessors shall have power to require the president, secretary, treasurer, receiver, superintendent or managing agent, or other officer, or employe, or agent, of any electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot, railroad, heating, cooling, and water transportation company to attend before the board, and bring with him for the inspection of the board any books or papers of such company in his possession or control, and to testify under oath touching any matter relating to the organization or business of such company. Any member of the board is authorized and empowered to administer such oath. Any officer, employe, or agent of such company, who shall refuse to attend before the board when requested to do so, or shall refuse to bring with him and submit for the inspection of the board any books or papers of such company in his possession, custody or control, or shall refuse to answer any question put to him by the board or any member thereof, touching the organization or business of such company, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both, and any officer, employe or agent of such company so refusing, as aforesaid, shall be guilty of contempt of such board, and may be confined, by order of such board, in the jail of the proper county, until he shall have complied with the requirement of the board, and paid the cost of his imprisonment.

Power to require attendance, submission of documents, giving of testimony and of administering oath.

Penalty for refusal to attend, submit documents or testify.

Sec. 2780-21. The board of appraisers and assessors shall, on the first Monday in August, report to the auditor of state the amount of the gross receipts of electric light, gas, natural gas, pipe line, waterworks, express, telegraph, telephone, messenger or signal, union depot, heating, cooling, and water transportation companies for business done within the state of Ohio, and the amount of the gross earnings from its operation within Ohio of each street, suburban or interurban railroad company, for the year then next preceding the first day of May, and on the first Monday of October, the board shall report to the auditor of state the amount of the gross earnings from its operations within Ohio of each railroad company for the year then next preceding the thirtieth day of June. At the same time the board shall file with the auditor of state the statements of the various companies and other papers before it. It shall be the duty of the auditor of state, in the month of November, annually, to charge and collect from each electric light, gas, natural gas, pipe line, waterworks, express, telegraph, telephone, messenger or signal, union depot, heating, cooling, and water transportation company doing business in this state, a sum, in the nature of an excise tax to be computed by taking one per centum of the amount fixed by the state board of appraisers and assessors as the gross re-

Annual reports of board; filing of statements and other papers.

Assessment and collection of excise tax on companies.

Non-exemption of tangible property.

Disposition of taxes.

Penalty and collection in case of delinquency; duties and fees of officers.

Where suit may be brought.

ceipts of such company for business done within the state of Ohio, for the year then next preceding the first day of May, and certified to the auditor of state; and from each street, suburban or interurban railroad company doing business in this state, a sum in the nature of an excise tax, to be computed by taking one per cent. of the amount fixed by the state board of appraisers and assessors as the gross earnings from its operation within Ohio of such company for the year then next preceding the first day of May and certified to the auditor of state; and from each railroad company doing business in this state a sum in the nature of an excise tax, to be computed by taking one per cent. of the amount fixed by the state board of appraisers and assessors as the gross earnings from its operation within Ohio of such company for the year then next preceding the thirtieth day of June, and certified to the auditor of state. Provided, nothing contained in this act shall exempt or relieve electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot, railroad, heating, cooling, and water transportation companies from the assessment and taxation of their tangible property in the manner authorized and provided by law. All taxes collected by the auditor of state, under the provisions of this act, shall be paid into the state treasury, and be credited to the general revenue fund. If any electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot, railroad, heating, cooling, or water transportation company fails or refuses to pay said tax during the month of November, the auditor of state shall add to the tax due, a penalty of fifty per cent. thereon; and shall forthwith proceed to collect tax and penalty with interest at the rate of six per cent. per annum by any means provided by law for the collection of taxes by county treasurers, and for his services shall be allowed five per cent. on the total amount collected, which he is authorized to retain. It shall be the duty of the attorney-general, or any prosecuting attorney, on request of the auditor of state, to prosecute any proceedings for the collection of such tax, which officer shall be allowed for his services five per cent. on the total amount collected, to be retained and paid to him by the auditor of state. The balance of the amount collected shall be paid into the state treasury.

Suits for collection of such tax may be brought in the name of the state in Franklin county, or in any county in which such electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot, railroad, heating, cooling, or water transportation company is doing business, or the line of such street, suburban or interurban railroad company or railroad company is located. In case the tax herein authorized to be charged and collected

against any class of companies defined in the first section of this act, engaged in any class of business mentioned therein, shall, for any reason, be declared invalid, such invalidity shall in no wise affect the validity of the law as applicable to any other class or classes of companies defined in said section, nor shall the abrogation or repeal of any section or clause of this act be held to abrogate or repeal any other section or clause thereof.

Non-interdependence of validity of section or clause.

Sec. 2780-22. This act shall not be construed so as to require any municipal corporation within the state to make any return or pay any taxes under any provision of this act.

Exemption of municipalities.

Sec. 2780-23. During the month of October of each year, the auditor of state shall file with the secretary of state a written statement containing the name of each company which has complied with the provisions of this act during the year next preceding, and such facts respecting it within his knowledge which are required by law to be annually filed with the secretary of state by corporations other than those included within the provisions of this act.

Auditor of state to file with secretary of state reports as to companies.

SECTION 2. That said original sections 2780-17, 2780-18, 2780-19, 2780-20, 2780-21, 2780-22 and 2780-23 of the Revised Statutes of Ohio be and the same are hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
210G

[Senate Bill No. 238.]

AN ACT

Providing for the appointment of health officers, clerks, district or ward physicians.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2115 (as now numbered in the statutes 1536-727) of the Revised Statutes of Ohio be amended so as to read as follows:

Municipal corporations.

Sec. 2115 (1536-727). The board of health shall appoint a health officer, who shall be the executive officer, who shall furnish his name and address and such other information as may be required by the state board of health; and may appoint a clerk, and may appoint, with the consent of council, as many ward or district physicians, or one ward physician for each ward in their city as they may deem necessary, whose duty it shall be to care for the sick poor in his district or ward and to care for the person or persons quaran-

Board of health shall appoint health officer, clerk, physician, etc.

tined in his ward when such person or persons are unable to pay for medical attendance, and to care for all persons sent from his ward to the municipal pest house when such persons are unable to pay for medical attendance. The board of health shall also have power to appoint, with the consent of council, as many persons for sanitary duty as in its opinion the public health and sanitary condition of the corporation may require, and such persons shall have a general police powers, and be known as the sanitary police. The board shall have exclusive control of their appointees, and define their duties and fix their salaries, but no member of the board of health shall be appointed as health officer; neither shall a member of the board of health nor the health officer be appointed as one of the ward physicians. All such appointees shall serve during the pleasure of the board.

Repeals.

SECTION 2. That said original section 2115 (as now numbered in the statutes 1536-727) of the Revised Statutes of Ohio, be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

211G

[Senate Bill No. 117.]

AN ACT

To amend section 7285 of the Revised Statutes, relating to immunities of certain witnesses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7285 of the Revised Statutes be amended to read as follows:

Trial and proceedings thereon:

State's witness incriminating himself exempt from prosecution.

Sec. 7285. If a person called to testify on behalf of the state before any justice of the peace, grand jury or court, upon complaint, information, affidavit, or indictment for any offense defined in sections sixty-nine hundred and thirty-two, sixty-nine hundred and thirty-three, sixty-nine hundred and thirty-four, sixty-nine hundred and thirty-four *a-1*, sixty-nine hundred and thirty-four *a-2*, sixty-nine hundred and thirty-four *a-3*, sixty-nine hundred and thirty-four *a-4*, sixty-nine hundred and thirty-four *a-5*, sixty-nine hundred and thirty-five and sixty-nine hundred and thirty-six of the Revised Statutes of Ohio or in section one or three of an act to prevent certain persons from entering places where intoxicating liquors are sold or offered for sale, passed April 28, 1891 (vol. 88, page 409-10) or in any act prohibiting the selling, furnishing or giving away of intoxicating liquors

as a beverage, disclose any fact tending to criminate himself in any manner punishable by said sections or act, he shall thereafter be discharged from all liability to prosecution or punishment for such matter of offense.

SECTION 2. That said section 7285 of the Revised Statutes of Ohio is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
212G

[Senate Bill No. 274.]

AN ACT

To amend section 10 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio and [to] repeal all sections of the Revised Statutes inconsistent herewith". [Passed October 22, 1902," and to repeal said original section 10.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be amended so as to read as follows:

Sec. 10. All municipal corporations shall have power to appropriate, enter upon and hold, real estate within their corporate limits for the following purposes:

1st. For opening, widening, straightening, changing the grade of and extending streets and all other public places, and for this purpose the corporation may appropriate the right of way across railway tracks and lands held by railway companies where such appropriation will not unnecessarily interfere with the reasonable use of the property so crossed by such improvement; and for obtaining material for the improvement of streets and other public places.

2nd. For parks, park entrances, boulevards, market places and children's playgrounds.

3d. For public halls and offices, and for all buildings and structures required for the use of any department.

4th. For prisons, workhouses, houses of refuge and correction, and farm schools.

Municipal corporations:

Appropriation of property; purposes.

5th. For hospitals, pest houses, reformatories, crematories and cemeteries.

6th. For levees, wharves and landings.

7th. For bridges, aqueducts, viaducts and approaches thereto.

8th. For libraries, university sites and grounds for the same.

9th. For constructing, opening, excavating, improving or extending any canal, or watercourse, located in whole or in part within the limits of the corporation, or adjacent and contiguous thereto, and which is not owned in whole or in part by the state, or by a company or individual authorized by law to make such improvements.

10th. For sewers, drains, ditches, public urinals, bath houses, water-closets, and sewage and garbage disposal plants and farms.

11th. For waterworks, natural and artificial gas, and electric lighting, heating and power plants, and for supplying the products thereof.

12th. For establishing esplanades, boulevards, park ways, park grounds, and public reservations in, around and leading to public buildings and for the purpose of reselling such land with reservations in the deeds of such resale as to the future use of said lands so as to protect public buildings and their environs and to preserve the view, appearance, light, air and usefulness of public grounds occupied by public buildings and esplanades and park ways leading thereto,

Repeals.

SECTION 2. That said original section 10 be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
213G

[Senate Bill No. 57.]

AN ACT

To provide for the organization of the common schools of the state of Ohio, and to amend, repeal and supplement certain sections of the Revised Statutes and laws of Ohio herein named.

School code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That sections 3885, 3886, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3897a, 3898, 3900, 3901, 3908, 3909, 3910, 3911, 3915, 3916, 3917, 3920, 3921, 3922, 3923, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3958, 3959, 3960, 3963, 3964, 3967, 3968, 3969, 3972, 3975, 3977, 3978, 3981, 3982, 3985, 3988, 3991, 3992, 3993,

3994, 4007, 4007-1, 4013, 4015, 4017, 4017a, 4018, 4019, 4021, 4022a, 4022-2, 4031, 4032, 4035, 4036, 4038, 4039, 4042, 4043, 4047, 4048, 4052, 4053, 4055, 4056, 4059, 4069, 4070, 4071, 4071a, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4091, 4092, 4094, 1123 of the Revised Statutes of Ohio, and

Section 2 of an act entitled "An act to provide for the centralization of township schools and provide a high school for the same", known as section 3927-2 of the Revised Statutes of Ohio, passed April 19, 1900, as amended May 12, 1902, and

Sections 1, 2, 3 and 4 of an act entitled "An act entitled to create a sinking fund to provide for the payment of the bonded indebtedness of boards of education in city districts of the second grade of the first class," known as sections 3970-1, 3970-2, 3970-3 and 3970-4 of the Revised Statutes of Ohio, passed March 17, 1893, and

Sections 1, 2 and 3 of an act entitled "An act to secure a voice in school affairs to the women of Ohio on equal terms with men", known as sections 3970-10, 3970-11 and 3970-12 of the Revised Statutes of Ohio, passed April 24, 1894, and

Sections 1 and 2 of an act entitled "An act to empower township boards of education to establish township or joint township high schools and to discontinue subdistrict schools when too small to justify their continuance," known as sections 4009-15 and 4009-16 of the Revised Statutes of Ohio, passed April 25, 1898, and

Section 1 of an act entitled "An act requiring instruction and practice in the common schools of cities of the first grade and second class, and certain educational institutions of physical culture", known as section 4020-17 of the Revised Statutes of Ohio, passed April 13, 1892, and

Section 1 of an act entitled "An act to authorize boards of education in cities of the second grade of the first class to levy a tax for certain purposes therein specified", known as section 4020-18 of the Revised Statutes of Ohio, passed March 16, 1887, be amended so as to read as follows: And that section 3897 be further supplemented by adding sections 3897k and 3897l and that 3921 be supplemented by adding 3921a as follows:

Sec. 3885. The state is hereby divided into school districts to be styled respectively, city school districts; village school districts; township school districts; and special school districts.

School districts classified.

Sec. 3886. Each incorporated city, now existing or hereafter created, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, shall constitute a city school district.

City school districts.

Sec. 3888. Each incorporated village, now existing or hereafter created, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, shall constitute a village school district.

Village school districts.

Change of classification upon advancement or reduction of municipality.

Status of board of education in such changed districts.

School district in newly created municipality.

School district in village upon surrender of corporate powers.

Township school districts.

Special school districts.

Territory shall be contiguous.

Annexation of territory to municipality; how school district affected.

Transfer of territory from one school district to another upon consent of boards of education; procedure.

Sec. 3889. When a village is advanced to a city, the village school district shall thereby become a city school district; when a city is reduced to a village the city school district shall thereby become a village school district. The members of the board of education in village school districts that are advanced to city school districts, and in city school districts that are reduced to village school districts, shall continue in office until succeeded by the members of the board of education of the new district, who shall be elected at the next succeeding annual election for school board members. Upon the creation and incorporation of a village, the same shall thereby become a village school district, and if said village was, previous to its creation and incorporation, included within the boundaries of a special school district but said special district included more territory than is included within the village limits, said territory shall be, and thereby is, attached to said village school district for school purposes; when a village surrenders its corporate powers the village school district shall be thereby abolished and the territory formerly constituting said village district shall become a part of the township school district or districts of the civil township or townships in which it is situated, and all school property shall pass to and become vested in the township board of education of the civil township in which it is situated; the provisions of section 1536-4 of the Revised Statutes of Ohio in regard to the settlement of the affairs of a village that has surrendered its corporate powers shall also apply to the village school district and the board of education of the same, and in case the village school district is situated in two or more townships any distribution of funds shall be made in proportion to the total tax valuation of the property situated in the several townships.

Sec. 3890. Each civil township together with the territory attached to it for school purposes, and excluding the territory within its established limits detached for school purposes, shall constitute a township school district.

Sec. 3891. Any school district, now existing, other than a city, village or township school district, and any school district organized under the provisions of chapter 5 of this title, shall constitute a special school district.

Sec. 3892. The territory included within the boundaries of any city, village or special school district shall be contiguous.

Sec. 3893. Whenever territory is annexed to a city or village, such territory thereby becomes a part of the city or village school district and the legal title to all school property in said territory shall be thereby vested in the board of education of such city or village school district.

Sec. 3894. A part or the whole of any school district may be transferred to an adjoining school district by the mutual consent of the boards of education having control of such district; to secure such consent it shall be necessary for each of said boards to pass a resolution indicating the action taken

and definitely describing the territory to be transferred, and the passage of said resolution shall require a majority vote of the full membership of each board, to be taken by a yeá and nay vote and the vote of each member to be entered on the records of such boards; but such transfer shall not take effect until a map showing the boundaries of the territory transferred is placed upon the records of such boards, and copies of the resolution certified to the president and clerk of each board, together with a copy of said map, is filed with the auditor or auditors of the county or counties in which such transferred territory is situated.

Plat of territory transferred.

Sec. 3895. Territory can also be transferred from one school district to another in the following manner: A petition signed by not less than one-half of the qualified male citizens who are electors residing in the territory sought to be transferred and accompanied by a correct map of said territory, shall be filed with the clerks of the boards of education interested and if such boards of education fail or refuse to transfer such territory by mutual consent, as provided for in section thirty-eight hundred and ninety-four of the Revised Statutes of Ohio, within sixty days after the filing of said petition and map, the petitioner shall file a copy of said petition and map in the probate court of the county in which such territory is situated, or if the territory be in two or more counties, in the probate court of the county containing the largest proportionate share of the territory to be transferred; the petitioners shall be required to give satisfactory security for the costs in the sum of one hundred dollars, conditioned that the sureties shall pay all the costs in case the transfer is not granted; the probate judge shall thereupon fix a day for the hearing of said petition and shall cause to be published for four consecutive weeks, in two newspapers of opposite politics, printed and of general circulation in the county, a notice of the filing of such petition and of the time of the hearing, and he shall also notify the clerks of the boards of education interested of the filing of the petition and the time of hearing; the probate judge is authorized and empowered to hear and determine the case and give judgment for or against such transfer and his judgment shall be final. In case the finding is against the transfer, judgment shall be rendered against the petitioners for the costs of the proceedings, and if the finding is for the transfer, judgment shall be rendered against each of the boards of education interested for one-half of the costs, or if more than two boards are interested judgment shall be rendered against each for its equal proportionate share of the costs. A certified copy of the findings of the court, together with a copy of the map of the territory transferred, shall be filed in the office of the county auditor by the probate judge.

Same upon petition of electors; procedure.

Plat of territory transferred, etc.

Sec. 3896. When territory is transferred from one school district to another under the provisions of section 3894 of the Revised Statutes of Ohio, the equitable division of funds or indebtedness shall be determined upon at the

Apportionment of existing school funds or indebtedness, when territory is transferred.

time of the transfer. When territory is transferred from one school district to another by proceedings in the probate court, or by the annexation of territory to a city or village, the proper division of funds in the treasury, or in the process of collection, of the board of education of the school district from which the territory is detached, shall, upon application to the probate court of the county in which such territory is situated by either board of education interested, be determined and ordered by said court; in case said board of education is indebted, such indebtedness together with the proper amount of money to be paid to said board of education by the board of education of the school district to which the territory is transferred, annexed, or the district created, shall be, in a like manner, determined and ordered by said court. If the territory is situated in two or more counties the application and proceedings shall be had in the probate court of the county containing the largest proportionate share of said transferred territory. The findings of the probate court shall be final.

Board of
education in
city districts;
how consti-
tuted and
elected.

Sec. 3897. In city school districts the board of education shall consist of not less than two members nor more than seven members elected at large, by the qualified electors of the school district, and of not less than two members nor more than thirty members elected from subdistricts by the qualified electors of their respective subdistricts; provided that in city school districts which at the last preceding federal census contained a population of less than fifty thousand persons, the board of education shall consist of not less than three members nor more than seven members elected at large, by the qualified electors of such city school districts.

Not later than the first day of July next, after the passage of this act, the present city school board, board of education, school council or other city school legislative body, shall pass a resolution fixing, within the limits prescribed by this act, the number of members of said board of education to be elected at large, and in city school districts where there are members of the board of education to be elected from subdistricts, they shall also, at the same time, fix the number of members of the board of education to be elected by such city subdistricts. The said city school board, board of education, school council or other city school legislative body, in city school districts where there are members of the board of education to be elected from subdistricts, shall, at the same time, to-wit: Before the first day of July next, after the passage of this act, subdivide said city school district into subdistricts equal in number to the number of members of the board of education in said city school district who are to be elected from subdistricts therein established.

Said subdistricts shall be bounded as far as practicable by corporation lines, streets, alleys, avenues, public grounds, canals, watercourses, ward boundaries, voting precinct boundaries or present school district boundaries, and shall

be as nearly equal in population as possible, and shall be composed of adjacent and as compact territory as possible. The lines of said subdistricts so fixed shall not be changed until after each succeeding federal census.

Within three months after the official announcement of the result of each succeeding federal census the board of education of each city school district shall redistrict the said city school district into subdistricts in accordance with the provisions of this act.

If the city school board of education, school council, or other city school legislative body shall fail to district or redistrict said city school district as herein required, at the time or times herein specified, then and in that event, upon the application of the president of the board of education, the state commissioner of common schools shall, subject to the requirements of this act, forthwith district, or redistrict said city school districts.

Provided also, that school subdistricts shall be numbered from one up, consecutively, and that at the first election for members of the board of education held after the passage of this act, the members to be elected to the board of education from subdistricts of odd numbers beginning with one, shall be elected for two years, and those elected from subdistricts of even numbers shall be elected for four years, and at the expiration of their respective terms their successors shall be elected for a term of four years; and provided further, that at the said first election the members of the board of education at large in all city school districts shall be elected for terms as follows:

If there be but two members of the board of education elected at large, one shall be elected for two years and one for four years, and if there be more than two, and the number thereof divisible by two, the one-half of such board shall be elected for two years and one-half for four years but if the whole number of members elected at large be not divisible by two, then the number to be elected for two years shall be the quotient obtained by dividing the whole number to be elected at large, less one, by two, and the remaining members shall be elected for four years.

At the expiration of their respective terms their successors shall be elected for four years. Members elected at large must be electors of the city school district, and members elected from subdistricts must be electors of the city subdistricts from which they are chosen, or of the territory attached to the subdistrict for school purposes; a removal from said subdistricts, territory or city school district shall vacate said office.

The number of members of the board of education shall not be changed, except at the time of the redistricting herein provided for, within three months after the official announcement of the result of the federal census.

All members of boards of education of city school districts, herein provided for shall be elected at the same time and in the same manner as municipal officers are elected.

**Organization
of city board.**

Sec. 3897a. Boards of education in city school districts shall organize on the first Monday in January after the election held for members of the board of education by the election of one of their members as president and the election of a clerk, who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years; they shall fix the time of holding regular meetings. Upon the organization of the first boards of education elected under this act, the previously existing boards of education are thereby abolished and said newly elected boards shall be their successors in all respects.

**Nomination of
candidates for
member of
board.**

Not less than fifteen days before the election of members of boards of education, nominations of candidates therefor may be made by nomination papers, signed in the aggregate for each candidate by not less than twenty-five qualified electors of either sex of the school district, except that in city school districts such nomination papers shall be signed by petitioners not less in number than one for every one hundred persons who voted at the next preceding general election in such city; and whenever each of such candidates shall be so nominated and his or their names shall be presented to the county board of deputy state supervisors of elections of the county in which such district is situated not less than fifteen days prior to the ensuing election, the said board of deputy state supervisors of elections shall publish on two different days prior to such election the names of such candidates in two newspapers of opposite politics in the school district, if there be such printed and published therein, or, if no newspaper is printed therein, by posting such list of names in at least five public places in the school district.

Pension funds.

Sec. 3897k. The board of education in any school district which has created, or shall hereafter create, a teachers' pension fund, shall pay monthly into said teachers' pension fund all deductions, fines, penalties and assessments made against any of the teachers or other employes of said board for violation of any of the rules or orders of the said board.

Pension funds.

Sec. 3897l. The board of education in any school district which has created, or shall hereafter create, a teachers' pension fund, may pay semiannually, out of the contingent fund of such school district, into said teachers' pension fund, not to exceed two per cent. of the gross receipts of said board of education raised by taxation to be applied to the payment of teachers' pensions as hereinbefore provided.

**Where elector
residing in
territory at-
tached to city
for school
purposes en-
titled to vote
on school
questions.**

Sec. 3898. When territory is attached to a city school district for school purposes, it shall be the duty of the board of education to assign such territory to the subdistrict or subdistricts adjoining the same, and a map showing such assignment shall be made a part of the record of the board; the electors residing in said attached territory shall be entitled to vote for school officers and on all school questions in the subdistrict to which they are assigned, and in the election precinct nearest their residence; and in case the board fails to perform this duty, the electors residing in said attached

territory, shall be entitled to vote in the subdistrict and precinct nearest their residence. An elector residing in the city, but not in the city school district, shall not be entitled to vote in said city school district.

Sec. 3900. The redistricting of a city school district shall not affect the membership of the then existing board of education in said city school district; all the members thereof shall continue to serve for the full term for which they were elected, but after the expiration of said terms the election of members of the board of education from subdistricts shall be by the subdistricts as redistricted.

Redistricting of city school district shall not affect the then existing board.

Sec. 3901. Boards of education of city school districts are authorized and empowered to establish and maintain, under their management and control one or more day schools for the education of the deaf youth of school age of the district, the expense of conducting the same to be paid from the school funds of the district in the same manner and from the same funds as other school expenses are paid.

Schools for the deaf may be established.

Sec. 3908. The board of education of village school districts shall consist of five members elected at large at the same time and in the same manner as municipal officers are elected, for the term of four years from the first Monday in January after their election or until their successors are elected and qualified. At the first municipal election held after the passage of this act there shall be a board of education elected in all village districts as provided for herein, two to serve for two years, and three to serve for four years, and at the municipal election held every second year thereafter, their successors shall be elected for the term of four years. Upon the organization of said boards, upon the succeeding first Monday in January after their election, the previously existing village boards of education shall be thereby abolished and the newly elected and organized board shall be their successors in all respects.

Board of education in village districts, how constituted and elected.

Sec. 3909. In all incorporated villages not now organized as school districts and in all villages hereafter created, there shall be a board of education elected as provided for in section 3908 of the Revised Statutes of Ohio; provided, however, that if said election be a special election held in a newly created village, the members elected shall serve for the terms as indicated in said section 3908, from the first Monday in January after the last preceding election for members of boards of education, and the board shall organize on the second Monday after the special election.

Election of board in village not now organized as school district or in newly created village.

Sec. 3910. Electors residing in territory attached to a village school district for school purposes, shall be entitled to vote for school officers and on all school questions, at the regular voting place in the village to which such territory is attached, and should said village be divided into voting precincts, it shall be the duty of the board of education of such village school district to assign such territory to the adjoining precinct or precincts and to have a map prepared showing such assignment, said map to be made a part of the records

Where elector residing in territory attached to village for school purposes entitled to vote on school questions.

of the board, and the electors residing in such attached territory shall be entitled to vote in the precinct to which they are assigned, but in case no assignment of territory is made, the elector shall vote in the precinct nearest his residence. An elector residing in a village, but not in a village school district, shall not be entitled to vote in said village school district.

Organization
of village
board.

Sec. 3911. Boards of education of village school districts shall organize on the first Monday in January after the election of the board, by the election of one of their members president, and the election of a clerk who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years; and they shall fix the time of holding regular meetings.

Board of edu-
cation in
township dis-
tricts; how
constituted
and elected.

Sec. 3915. The board of education of township school districts shall consist of five members elected at large at the same time and in the same manner as the township officers are elected, for the term of four years from the first Monday in January after their election [or] until their successors are elected and qualified. At the first township election held after the passage of this act, there shall be a board of education elected in all township districts as provided for herein, two to serve for two years, and three to serve for four years, and at the township election held every second year thereafter, their successors shall be elected for the term of four years. Upon the organization of said boards, upon the succeeding first Monday in January after their election, the previously existing township boards of education shall be thereby abolished and the newly elected and organized boards shall be their successors in all respects.

Where elector
residing in
territory at-
tached to
township for
school pur-
poses entitled
to vote
on school
questions.

Sec. 3916. Electors residing in territory attached to a township school district for school purposes, shall be entitled to vote for school officers and on all school questions, at the regular voting place in the township to which such territory is attached, and should such township be divided into different voting precincts, it shall be the duty of the board of education of the township district, to assign such attached territory to the adjoining precinct or precincts; if territory is attached to more than one precinct, a map shall be prepared showing such assignment and said map shall be made a part of the records of the board of education, and electors shall be entitled to vote according to such assignment, but in case no assignment of territory is made, the electors shall vote in the precinct nearest to their residence. An elector residing in the township, but not in the township school district, shall not be entitled to vote in said township school district.

Organization
of township
board.

Sec. 3920. Boards of education of township school districts shall organize on the first Monday in January after the election of the board, by the election of one of their members president and the election of a clerk who may or may not be a member of the board, the president to be elected

for one year and the clerk to be elected for a term not to exceed two years; and they shall fix the time of holding regular meetings.

Sec. 3921. The division of township school districts into subdistricts as they exist at the time of the passage of this act, shall continue and be recognized for the purpose of school attendance, but the board of education is authorized to increase or diminish the number or change the boundaries of the subdistricts at any regular meeting, a map designating such changes to be entered upon its records.

Division of township school districts into subdistricts shall continue for purposes of school attendance.

Sec. 3921a. In all township districts the schools of which are not centralized or consolidated there shall be elected by ballot on the second Monday of April, 1905, and annually thereafter in each subdistrict, by the qualified electors thereof, one competent person, having the qualifications of an elector therein to be styled director. In all cases of tie votes at an election for director the judges of election shall decide the election by lot; and in other cases of failure to elect directors or in case of a refusal to serve, or in case where vacancies exist from any cause, the township board of education shall appoint a director for such subdistrict. The director of each subdistrict shall post written or printed notices in three or more conspicuous places in his subdistrict at least six days prior to the election, designating the day and hour of opening, and the hour of closing the election. The election shall be held at the schoolhouse in the subdistrict. The meeting shall be organized by appointing a chairman and secretary, who shall act as judges of the election under oath or affirmation, which oath or affirmation may be administered by the director of the subdistrict, or any other person competent to administer such an oath or affirmation, and the secretary shall keep a poll-book and tally-sheet, which shall be signed by the judges, and delivered within eight days to the clerk of the township board of education. The qualified electors of the subdistrict may hold other meetings at any time upon the call of the director or of any five electors. Five days' notice shall be given of such meetings by posting notices in five public places in the vicinity. The director of each subdistrict shall preside at the school meetings of the district, record their proceedings, and shall act as the organ of communication between the inhabitants and the township board of education. He shall take charge of the schoolhouse and property belonging thereto under the general order and direction of the township board of education and preserve the same and when so ordered by the board shall make all temporary repairs of the schoolhouse, furniture and fixtures, and provide the necessary fuel for the school, reporting the cost thereof to the board of education for payment. The director of each subdistrict shall take the enumeration of his subdistrict and return the same to the clerk of the township board of education in the manner prescribed by law.

School director; election, powers and duties.

Suspension of school in sub-district and conveyance of pupils to other district; cost thereof.

Sec. 3922. The board of education of any township school district is authorized to suspend the schools in any or all subdistricts in the township district, but upon such suspension the board must provide for the conveyance of the pupils residing in such subdistrict or subdistricts to a public school in said township district, or to a public school in another district, the cost of such conveyance to be paid out of the funds of the township school district; or the board may abolish all the subdistricts providing conveyance is furnished to one or more central schools, the expense of such conveyance to be paid out of the funds of the district. When transportation of pupils is provided for, the conveyance must pass within at least the distance of one-half of a mile from the respective residence of all pupils, except when such residences are situated more than one-half of a mile from the public road; but boards of education shall not be required to provide transportation for pupils living less than one-half of a mile from the schoolhouse.

Joint subdistricts abolished; attachment of territory thereof to township district.

Sec. 3923. Joint subdistricts are hereby abolished and the territory of such districts, situated in the township in which the schoolhouse of the joint subdistrict is not located, shall be attached for school purposes to the township school district in which said schoolhouse is located, and shall constitute a part of said township school district, and the title of all school property located in said joint subdistrict, is hereby vested in the board of education of the township to which the territory is attached. A map of such attached territory shall be prepared under the direction of the board of education of the township district to which such territory is attached and shall be made a part of the records of said board and a copy of the same shall be filed with the auditor of the county in which said territory is situated, or if the territory be in two or more counties, said map shall be filed with the auditor of each county.

Submission of question of centralization.

Sec. 3927-2. A township board of education may submit the question of centralization, and upon the petition of not less than one-fourth of the qualified electors of such township district, must submit such question to a vote of the qualified electors of such township district, and if more votes are cast in favor of centralization than against it, at such election, it shall then become the duty of the board of education, and such board of education is required to proceed at once to the centralization of schools of the township, and if necessary purchase a site or sites and erect a suitable building or buildings thereon; provided, that if, at the said election, more votes are cast against the proposition for centralization than for it, the question shall not again be submitted to the electors of said township district for a period of two years. When the schools of a township have been centralized, such centralization shall not be discontinued within three years thereafter, and then only by petition and election as required herein and if at such election more votes are cast against centralization than for it, the division into subdis-

Submission of question of decentralization.

tricts as they existed prior to centralization, shall be thereby re-established at the next regular election and subdistrict directors shall be elected as provided in section 3921a of this act.

Sec. 3928. A special school district may be formed of any contiguous territory, not included within the limits of an incorporated city or village, which has a total tax valuation of not less than one hundred thousand dollars. To establish a special school district, a petition signed by not less than ten male citizens who are electors of the proposed special district shall be filed in the office of the probate judge of the county in which such special district is situated or if said district is situated in two or more counties, then with the probate judge of the county having the greatest total tax valuation in said proposed district; said petition shall set forth the desires of the petitioners, shall contain a description of the territory to be included in the proposed special district, and shall be accompanied by a statement giving the total tax valuation of said territory certified to by the county auditor or auditors and also an accurate map of the territory to be included in said district, the same to be prepared to the satisfaction of the probate judge; said petition shall also be accompanied by an undertaking of one or more of the petitioners, with security to the satisfaction of the judge, in the sum of one hundred dollars, conditioned that the parties entering into the undertaking shall pay all the costs of the proceedings if a special school district is not created, and in such case the probate judge shall render judgment against the parties to the undertaking for all the costs of the proceedings. In case the petition is granted the costs shall be taxed against the special school district thereby authorized and shall be paid by the board of education of said special school district, thereafter elected, from any funds that may come into its possession. A remonstrance signed by one or more of the male citizens who are electors of the proposed district may be filed with the probate judge and shall be considered on the hearing of the petition. Nothing herein contained shall be so construed as to abolish any special school district now existing, but all such districts whether created under the provisions of a general or special act, including the territory now constituting such special district, shall, unless changed under the provisions of this chapter, continue to be and remain and be recognized and regarded as legal special school districts, excepting, however, such special school districts which do now or may hereafter include within their boundaries an incorporated city or village, and in such cases such special district shall become a city or village school district with or without territory attached or detached, as the case may be. And all officers and members of boards of education of existing special school districts heretofore created, whether by special or general act, shall continue to hold and exercise their respective offices and the powers thereof,

Special school districts; how composed and created.

Special districts now existing shall continue; exception.

Officers of existing special school districts shall hold till their successors are elected and qualified.

until their successors are elected and qualified as provided herein; provided that all such officers of such districts created by special act shall hold such offices only until the first Monday of January following the first election for school officers to be held after the passage of this act, at which election their successors shall be elected.

Duty of probate judge as to creation of special school district.

Sec. 3929. Upon the filing of a petition in the probate court for the establishment of a special school district, the judge thereof shall fix a time for the hearing of the same, which shall be within sixty days of the filing thereof; he shall thereupon cause to be published for four consecutive weeks, in two newspapers of opposite politics, printed and of general circulation in the county where the petition is filed, notice of the filing of such petition and the time of the hearing thereon; such notices shall also be mailed to the clerk or clerks of the board or boards of education having territory in the proposed special school district. The probate judge is authorized to hear and determine the question of the establishment of such special school district, may subpoena and examine witnesses under oath, may change the boundaries of the proposed special school district, shall fix and determine the amount of money due and payable to said special district from the surplus money in the treasury or in process of collection in the district or districts from which it was formed, or in case of the indebtedness of such district or districts, he shall determine the amount of money due and payable by the special school district to the district or districts from which it was formed, and in either case the amount so found due shall be a valid and binding obligation upon the board of education of such district or districts. The fees in cases involving the establishment of special school districts shall be the same as in civil cases, and the jurisdiction of the probate court in such cases shall be exclusive.

Board of education in special districts; how constituted and elected.

Sec. 3930. The board of education of special school districts shall consist of five members elected at large at the same time and in the same manner as the township officers are elected, for the term of four years from the first Monday in January after their election or until their successors are elected and qualified. At the first township election held after the passage of this act, there shall be a board of education elected in all special districts as provided for herein, two to serve for two years, and three to serve for four years, and at the township election held every second year thereafter, their successors shall be elected for the term of four years. Upon the organization of said boards, upon the succeeding first Monday in January after their election the previously existing boards of education of special school districts shall be thereby abolished and the newly elected and organized boards shall be their successors in all respects.

Conduct of elections in special school districts.

Sec. 3931. Elections in special school districts shall be held by the regular election officers of the township in which such special districts are situated and if a special district is

situated in two or more townships, the election shall be held by the election officers of the different townships for the electors residing in each township respectively. At least twenty days prior to the first election held under this act, it shall be the duty of the clerk of the board of education of each special school district to notify the deputy supervisors of elections of the county in which the district is situated, or if said district be in two or more counties, he shall notify the deputy supervisors of each county, of the names of the voting precincts having territory in such special school district, and the probable number of electors in each precinct, in order that said deputy supervisors shall be enabled to prepare ballots and election supplies and distribute the same to the proper precincts, and in each precinct there shall be separate ballots, ballot-boxes, poll-books and tally-sheets for each school district having voters therein.

Sec. 3932. When a special school district is created, a mass meeting of the electors in such district shall be called by the posting of notices in five public places in the district setting forth the time and place of said meeting and signed by at least three electors of the district. The electors assembled at said meeting shall elect a chairman and secretary and fix the time for holding the first election for members of the board of education, the time so fixed shall not be within twenty-five days of the time of holding said mass meeting. The chairman and secretary of said meeting shall immediately post notices in five public places within the district, giving the date of the election and shall notify the deputy state supervisors of elections as provided in section 3931 of the Revised Statutes of Ohio. The board thus elected, shall organize on the second Monday after the election and the term of the members shall be as indicated in section 3930 of the Revised Statutes of Ohio, from the first Monday in January after the last preceding annual election for members of boards of education, or until their successors are elected and qualified.

Mass meeting to fix time for holding first election in special district.

Sec. 3933. Boards of education of special school districts, shall organize on the first Monday in January after the election of the board, by the election of one of their members president and the election of a clerk who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years; and they shall fix the time of holding regular meetings.

Organization of board of education in special school district.

Sec. 3934. Boards of education of special school districts are authorized to provide for the conveyance of [the] pupils of said districts to the school or schools of the districts, the expense of said conveyance to be paid from the school funds of the special school districts; provided, however, that boards of education of such districts as provide transportation for the pupils thereof, shall not be required to transport pupils living less than one-half of a mile from the schoolhouse, transportation of such pupils being optional with the board of education.

Board may provide for conveyance of pupils to schoolhouse.

Provided, further, that when any pupils of said district reside at a greater distance than one and one-half miles from the schoolhouse the board of education shall be required to provide for the conveyance of such pupils and the expense thereof to be paid from the school funds of said special school district.

Election to determine continuance or abandonment of special school district; how conducted.

Sec. 3935. When a petition is signed by not less than one-third of the electors residing within the territory constituting a special school district, whether created under the provisions of a general or special act, praying for the abandonment or continuance of such district, shall be presented to the board of education of said district, or when said board shall, by a majority vote of the full membership of the board, decide to submit the question of abandoning or continuing the special school district, it shall be the duty of the board to fix the time of holding said election at either a special or general election and the clerk of the board shall notify the deputy state supervisors of elections, as provided in section 3931 of the Revised Statutes of Ohio, of the date of such election and the nature of the same and said supervisors of elections shall provide for the same. The clerk of the board of education shall also post notices of said election in five public places within the district. If said election be submitted at a special election in a district situated in two or more election precincts, the election shall be held at the precinct nearest the schoolhouse in said special district, by the election officers of the precinct, and all the electors of said district shall vote at said precinct. If the district is situated in two or more counties, the deputy state supervisors of the county in which said nearest election precinct is situated, shall have charge of the election. If said question is submitted at a regular election, it shall be conducted in the same manner as the election of members of the board of education. The ballot shall be in the regular form, but without the circle at the top, and shall have printed thereon "Abandonment of special school district, yes;" "Abandonment of special school district, no;" or "Continuance of special school district, yes;" "Continuance of special school district, no," as the case may be. The expense of said election shall be paid in the same manner as are other school election expenses, and returns of said elections shall be made to the board of education of the special school district and if more votes are cast for abandonment than against it, or against continuance than for it, said boards shall certify the result to the board or boards of education of the township or townships having territory in said special district and the territory of said special district shall thereby revert to the township school district or districts from which it was originally taken, except as hereinafter provided for in the case of indebtedness of the special district. Otherwise said district shall continue to be and remain and be recognized and regarded as a legal special school district as theretofore constituted. The legal title of the property

of the special school district shall in the event of abandonment or failure to continue become vested in the board or boards of education of the township or townships in which such property is situated. And the school funds of said special district shall be paid into the treasury of the township district and if said special district be in two or more townships, it shall be divided between them in proportion to the total tax valuation of property in the several districts, but the abandonment of a special school district shall not be deemed complete until the board of education of said district shall have provided for the payment of any indebtedness that may exist.

Sec. 3958. Each board of education shall, annually, at a regular or special meeting held between the third Monday in April and the first Monday in June, fix the rate of taxation necessary to be levied for all school purposes, after the state funds are exhausted; said levy shall be divided by the board of education into four funds, namely, first, tuition fund; second, building fund; third, contingent fund; fourth, bonds, interest and sinking fund, and a separate levy shall be made for each fund; provided, that in every city school district, said levies shall be submitted to the board of review of the city, which shall consider the same, and approve or reduce said levies, or any part thereof, and return the same to the board of education, and said levies shall then become valid and effective as so approved or reduced; but if said board of review fail or neglect to act upon said levies within ten days after the receipt of the same from the board of education, then said levies shall become valid and effective without the action of said board of review.

Sec. 3959. The local tax levy for all school purposes shall not exceed twelve mills on the dollar of valuation of taxable property in any school district, but said levy shall not include any special levy, for a specified purpose, provided for by a vote of the people. A greater tax than is authorized herein may be levied for any or all school purposes if the proposition to make such levy shall have been first submitted, by the board of education, to a vote of the electors of the school district, under a resolution prescribing the time, place and nature of the proposition to be submitted, and approved by a majority of those voting on the proposition; notice of said election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district for a like period, if no such paper is published therein.

Sec. 3960. The amount of the levy fixed by the board of education under sections thirty-nine hundred and fifty-eight and thirty-nine hundred and fifty-nine shall be certified to the county auditor in writing, on or before the first Monday in June of each year, who shall assess the entire amount upon all the taxable property of the district, and

Board of education to fix rate of taxation necessary to be levied for all school purposes after state funds are exhausted.

Levy to be divided into four funds.

In city districts levy to be submitted to board of review.

Maximum levy.

Greater tax may be levied if authorized by vote of people.

Notice of election.

Amount of levy to be certified to county auditor.

enter it upon the tax duplicate of the county, and the county treasurer shall collect the same, at the same time and in the same manner as state and county taxes are collected, and pay it to the treasurer of the district upon the warrant of the county auditor; and unless the county treasurer is paid a fixed salary he shall receive one per centum on all money so collected, and no more.

How certified
when district
situated in
two or more
counties.

Sec. 3963. When a school district is composed of territory in two or more counties, the rate of taxation shall be ascertained by the board of education of such district and shall be certified to the auditors of the several counties and such county auditors shall place the same on the tax duplicate and the same shall be collected as provided in section thirty-nine hundred and sixty of the Revised Statutes of Ohio. The funds belonging to a district composed of territory in more than one county shall be paid by the treasurers of the other counties to the treasurer of the county having the greatest tax valuation in said district; the auditors of the other counties shall make settlement on account of such funds with the auditor of the county having said greatest tax valuation; and the treasurer of the district shall make the settlement required by section thirty-nine hundred and sixty-six of the Revised Statutes of Ohio, with such auditor.

Apportionment of school
fund by county
auditor.

Sec. 3964. Each county auditor shall, immediately after each annual settlement with the county treasurer, apportion the school funds for his county; the state common school fund shall be apportioned in proportion to the enumeration of youth in each of the several school districts within the county, but if an enumeration of the youth of any district has not been taken and returned for any year, such district shall not be entitled to receive any portion of said fund; the local school tax collected from the several districts shall be paid to the districts from which it was collected; money received from the state on account of interest on the common school fund shall be apportioned to the school districts and parts of school districts within the territory designated by the auditor of state as entitled thereto, in proportion to the enumeration of youth therein, and all other money in the county treasury for the support of the common schools, and not otherwise appropriated by law, shall be apportioned annually in the same manner as the state common school fund.

Auditor's certificate of apportionment;
what it shall exhibit.

Sec. 3967. The certificate of apportionment furnished by the county auditor to the treasurer and clerk of each school district shall exhibit the amount of money received by each district from the state, the amount received from any special tax levy made for a particular purpose as well as the amount received from local taxation of a general nature; the amount received from the state common school fund and the common school fund shall be designated the "tuition fund" and shall be appropriated only for the payment of superintendents and teachers; the funds received

from special levies shall be designated in accordance with the purpose for which the special levy was made and shall be paid out only for such purpose, but when a balance remains [in] on such fund after all expenses incident to the purpose for which it was raised shall have been paid, such balance shall become a part of the contingent fund and it shall be the duty of the board of education to make such transfer by resolution; the funds received from the local levy for general purposes shall be designated as indicated in section thirty-nine hundred and fifty-eight, so as to correspond to the particular purpose for which the levy was made; all moneys coming from sources not enumerated herein shall be placed in the contingent fund.

Sec. 3968. The board of education of any school district shall have authority to provide by resolution for the deposit of any or all moneys coming into the hands of the treasurer of the board. Provided, however, that no bank shall receive a larger deposit than the amount of its paid in capital stock, and in no event to exceed three hundred thousand dollars (\$300,000.00). In school districts containing two or more banks such deposit shall be made in the bank or banks, situated in the district, that shall offer at competitive bidding the highest rate of interest which in no case shall be less than two per cent. for the full time the funds or any part thereof are on deposit, and such bank or banks shall give a good and sufficient bond of some approved guaranty company in a sum at least equal to the amount deposited, and it shall be the duty of the treasurer of the school district to see that a greater sum than that contained in the bond is not deposited in such bank or banks and said treasurer and his bondsmen shall be liable for any loss occasioned by deposits in excess of such bond; the board shall determine in such resolution the method by which such bids shall be received, the authority which shall receive them, the time for which such deposits shall be made and all details for carrying into effect the authority herein given, but all such proceedings in connection with such competitive bidding and deposit of such moneys shall be conducted in such a manner as to insure full publicity and shall be open at all times to public inspection; if in the opinion of a board of education there has been any collusion between the bidders, said board may reject any or all bids and may provide for the deposit of funds in a bank or banks without the district as herein-after provided for in districts not having two or more banks located therein. In all school districts containing less than two banks the board of education may, after the adoption of a resolution providing for the deposit of its funds, enter into a contract with one or more banks that are conveniently located and offer the highest rate of interest, which shall in no case be less than two per cent. for the full time the funds or any part thereof are on deposit, and said bank or banks shall give good and sufficient bond of some approved guaranty company in a sum at least equal to the amount deposited

Provision for the depositing of school funds upon competitive bidding.

and it shall be the duty of the treasurer of the school district to see that a greater sum than that contained in the bond is not deposited in such bank or banks, and said treasurer and his bondsmen shall be liable for any loss occasioned by deposits in excess of such bond; said resolution and contract shall set forth fully all details necessary to carry into effect the authority herein given and all proceedings connected with the adoption of said resolution and the making of said contract shall be conducted in such a manner as to insure full publicity and shall be open at all times to public inspection. When a depository is provided as authorized herein and the funds are deposited therein, the treasurer of the school district and his bondsmen shall be relieved of any liability occasioned by the failure of the bank or banks of deposit or by the failure of the guaranty company acting as surety for such bank or banks or by the failure of either of them, except as herein provided in cases of excessive deposits.

County commissioners to levy contingent funds when board neglects.

Sec. 3969. If the board of education in any district fail in any year to estimate and certify the levy for a contingent fund as required by this chapter, or if the amount so certified is deemed insufficient for school purposes, or if it fail to provide sufficient school privileges for all the youth of school age in the district or to provide for the continuance of any school in the district for at least seven months in the year, or to provide for each school an equitable share of school advantages as required by this title, or to provide suitable schoolhouses for all the schools under its control, or to elect a superintendent or teachers, the commissioners of the county to which such district belongs, upon being advised and satisfied thereof, shall do and perform any or all of said duties and acts, in as full a manner as the board of education is by this title authorized to do and perform the same; and the members of a board who cause such failure shall be each severally liable, in a penalty not to exceed fifty nor less than twenty-five dollars, to be recovered in a civil action in the name of the state upon complaint of any elector of the district, which sum shall be collected by the prosecuting attorney of the county, and when collected shall be paid into the treasury of the county, for the benefit of the school or schools of the district.

Board of commissioners of the sinking fund; appointment and duties.

(3970-1) Sec. 1. In any school district having a bonded indebtedness, for the payment of which together with interest, no provision has been made by a special tax levy for that particular purpose, it shall be the duty of the board of education of such district and such board shall annually, on or before the 31st day of August, set aside from its revenue a sum equal to not less than one-fortieth of said indebtedness together with a sum sufficient to pay the annual interest thereon.

The board of education of every district shall provide a sinking fund for the extinguishment of all its bonded indebtedness, which sinking fund shall be managed and

controlled by a board of commissioners designated as the "board of commissioners of the sinking fund of _____" (inserting the name of the district), which shall be composed of five electors thereof, and who shall be appointed by the court of common pleas of the county in which such district is chiefly located, provided, that in city or village districts the board of commissioners of the sinking fund of the city or village may be the board of commissioners of the sinking fund of the school district; the commissioners of the sinking fund shall serve without compensation and shall give such bond as the board of education may require and approve, provided that any surety company authorized to sign such bonds may be accepted by such board of education as surety, and the cost thereof, together with all necessary expenses of the commissioners of the sinking fund shall be paid by said commissioners out of the funds under their control.

(3970-2) Sec. 2. The board of commissioners of the sinking fund shall invest the sinking fund in bonds of the United States, of the state of Ohio, of any municipal corporation, county, township or school district within the state of Ohio or in bonds of its own issue. All interest received from such investments shall be deposited in the treasury to the credit of said sinking fund, and reinvested in a like manner; at no time shall there be over one thousand dollars kept on deposit if investment can be made without jeopardizing the prompt redemption of bonds falling due. For the extinguishment of any bonded indebtedness included in said sinking fund, the board of commissioners of the sinking fund is authorized to sell or use any of the securities or money in said fund.

Investment of sinking fund.

Payment of indebtedness.

(3970-3) Sec. 3. The board of commissioners of the sinking fund may refund, extend or renew the bonded debt of the school district or any part thereof, existing at the time of the taking effect of this act, by issuing the bonds of said school district for such periods, not exceeding twenty years, in such denomination, payable at such place and at a rate of interest not to exceed the rate previous to such refunding, extension or renewal; provided that the aggregate amount of the refunding, extending or renewing bonds so issued shall not exceed that of the bonds so refunded, extended or renewed.

Sinking fund commissioners may issue refunding bonds.

(3970-4) Sec. 4. The clerk of the board of commissioners of the sinking fund shall make an annual report to the board of commissioners of the sinking fund, giving a detailed statement of the sinking fund, such report shall be filed at such time as the board shall designate and other reports may be required by the board when the same shall be deemed necessary. Orders on the sinking fund shall be drawn by the same authority and in the same manner as other orders for the payment of money from the school funds.

Report of clerk of the board of commissioners of the sinking fund.

General election laws to govern in school elections.

(3970-10) Sec. 1. The election of members of boards of education shall be governed and controlled by the general election laws of the state. There shall be separate poll-books and tally-sheets used for all elections for school purposes, and the ballots of the electors at said elections shall be deposited in a separate ballot-box. In city school districts the ballots for each subdistrict shall contain the names of the candidates for member of the board of education from such subdistrict and also the names of the candidates to be elected at large. Returns of all school elections shall be made to the clerk of the board of education not less than five days after the election, and it shall be the duty of the board of education to canvass said returns at a meeting to be held on the second Monday after the election, and the result thereof shall be entered upon the records of the board; in case of a tie vote, the same shall be decided by said board of education, by lot.

Publication of notice of school elections.

(3970-11) Sec. 2. The clerk of each board of education shall publish a notice of all school elections in a newspaper of general circulation in the district, or post written or printed notices of said elections in five public places in the district, at least ten days before the holding of the same, which notices shall specify the time and place of such election and the number of members of the board of education to be elected and the term for which they are to be elected, or the nature of the question to be voted upon.

Women may vote and be voted for at certain school elections.

(3970-12) Sec. 3. Every woman born in the United States, or who is a wife or daughter of a citizen of the United States, who is over twenty-one years of age and possesses the necessary qualifications in regard to residence, as is provided for men, shall be entitled to vote, and to be voted for, for member of the board of education and upon no other question. The law relating to registration shall apply to women upon whom the right to vote is conferred, but the names of such women may be placed on a separate list.

Registration.

What property the boards have title to, etc.

Sec. 3972. All property, real or personal, which has heretofore vested in and is now held by any board of education for the use of public or common schools in any district, is hereby vested in the board of education provided for in this title, having under this title jurisdiction and control of the schools of such district; and all resolutions and orders passed by any board of education shall remain in full force and effect until duly altered or repealed, and nothing in this act contained shall be construed to in any way affect the validity of any contract made nor bonds or certificates of indebtedness issued, by any board of education of any school district, whether created under the provisions of a general or a special act; and all school funds, whether arising from taxation, sale of bonds, or otherwise, in the hands of or belonging to any board of education of any school district, whether created under the provisions of a general or a special act, and all taxes levied by any such board not

collected, shall be transferred to the credit of the board of education elected, under the provisions of this act, to succeed the board having such funds to its credit or which made the levy for the uncollected taxes.

Sec. 3975. Any board of education may, by the adoption of a resolution, accept any bequest made to them by will or may accept any gift or endowment from any person or corporation, upon the conditions and stipulations contained in the will or connected with the gift or endowment; and for the purpose of enabling such boards to carry out the conditions and limitations upon which the bequest, gift or endowment is made, they are authorized to make all rules and regulations that may be required to fully carry into effect the provisions of said bequest, gift or endowment; but no such bequest, gift or endowment shall be accepted by any board of education when the conditions of the same shall remove any portion of the public schools from under the control of said board.

Boards may accept bequests.

Sec. 3977. The prosecuting attorney shall be the legal adviser of all boards of education in the county in which he is serving, except in city school districts, he shall prosecute all actions against a member or officer of a board of education for malfeasance or misfeasance in office, he shall be the legal counsel of said boards or the officers thereof in all civil actions brought by or against them and shall conduct the same in his official capacity; provided, that when said civil action is between two or more boards of education in the same county said prosecuting attorney shall not be required to act for either of them. In city school districts the city solicitor shall be the legal adviser and attorney for the board of education and shall perform the same services for said board of education as is herein required of prosecuting attorneys for other boards of education. The duties herein prescribed shall devolve upon any official serving in a capacity similar to that of prosecuting attorney or city solicitor for the territory wherein a school district is situated, regardless of his official designation. No prosecuting attorney, city solicitor or other official acting in a similar capacity shall be a member of the board of education. No compensation in addition to such officer's regular salary shall be allowed for such services.

Prosecuting attorney to act as counsel of school boards.

Sec. 3978. A special meeting of a board of education can be called by the president or clerk of the board or by any two members thereof, by serving a written notice of the time and place of such meeting upon each member of the board, either personally or at his residence or usual place of business, said notice to be signed by the official or member calling the meeting.

Special meetings of board.

Sec. 3981. Vacancies in any board of education arising from death, nonresidence, resignation, removal from office, failure of person elected or appointed to qualify within ten days after the organization of the board or of his appointment, removal from the district, or from other cause, shall

Vacancies in board of education; how filled.

be filled by the board of education at its next regular or special meeting or as soon thereafter as possible for the unexpired term. A majority vote of all the remaining members of the board can fill any vacancy or vacancies that may exist in said board.

Quorum; yeas and nays to be taken in certain cases.

Sec. 3982. A majority of the board of education shall constitute a quorum for the transaction of business; upon a motion to adopt a resolution authorizing the purchase or sale of property, either real or personal, or to employ a superintendent, teacher, janitor, or other employe, or to elect or appoint an officer, or to pay any debt or claim, or to adopt any text book, the clerk of the board shall call, publicly, the roll of all the members composing the board, and enter on the record required to be kept the names of those voting "aye" and the names of those voting "no;" if a majority of all the members of the board vote "aye," the president shall declare the motion carried; and upon any motion or resolution any member of the board may demand the yeas and nays, and thereupon the clerk shall call the roll and record the names of those voting "aye" and those voting "no," provided, that boards of education may provide for the payment of superintendents, teachers and other employes by pay roll if deemed advisable, but in all cases the roll call and record, provided for herein shall be complied with.

Board to make rules; illegal meetings.

Sec. 3985. The board of education of each district shall make such rules and regulations as it may deem necessary for its government and the government of its appointees and the pupils of the schools; and no meeting of a board of education not provided for by its rules or by law shall be legal unless all the members thereof have been notified as provided for in section thirty-nine hundred and seventy-eight.

Directions for bidding and for letting contracts.

Sec. 3988. When a board of education determines to build, repair, enlarge or furnish a schoolhouse or schoolhouses, or make any improvement or repair provided for in this chapter, the cost of which will exceed in city districts, fifteen hundred dollars, and in other districts five hundred dollars, except in cases of urgent necessity, or for the security and protection of school property, it shall proceed as follows:

(1) The board shall advertise for bids, for the period of four weeks, in some newspaper of general circulation in the district, and two such newspapers, if there are so many; and if no newspaper has a general circulation therein, then by posting such advertisement in three public places therein, which advertisement shall be entered in full by the clerk, on the record of the proceedings of the board.

(2) The bids, duly sealed [up], shall be filed with the clerk by twelve o'clock, noon, of the last day stated in the advertisement.

(3) The bids shall be opened at the next meeting of the board, be publicly read by the clerk, and entered in full on the records of the board.

(4) Each bid shall contain the name of every person interested in the same, and shall be accompanied by a sufficient guarantee of some disinterested person, that if the bid be accepted, a contract will be entered into, and the performance of it properly secured.

(5) When both labor and materials are embraced in the work bid for, each must be separately stated in the bid, with the price thereof.

(6) None but the lowest responsible bid shall be accepted; but the board may, in its discretion, reject all the bids, or accept any bid for both labor and material which is the lowest in the aggregate for such improvement or repair.

(7) Any part of a bid which is lower than the same part of any other bid, shall be accepted, whether the residue of the bid is higher or not; and if it is higher, such residue shall be rejected.

(8) The contract shall be between the board of education and the bidders, and the board shall pay the contract price for the work, when it is completed, in cash, and may pay monthly estimates as the work progresses.

(9) When two or more bids are equal, in the whole, or in any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between the makers thereof.

(10) When there is reason to believe that there is any collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

Sec. 3991. When the board of education of any school district determines that it is necessary for the proper accommodation of the schools of such district to purchase a site or sites to erect a schoolhouse or houses, to complete a partially built schoolhouse, to enlarge, repair or furnish a schoolhouse, or to do any or all of said things, and that the funds at the disposal of said board or that can be raised under the provisions of section 3994 of the Revised Statutes of Ohio, are not sufficient to accomplish said purpose and that a bond issue is necessary, the board shall make an estimate of the probable amount of money required for such purpose or purposes and at a general election or a special election called for that purpose, shall submit to the electors of the district the question of the issuing of bonds for the amount so estimated; notices of the election required herein shall be given in the manner as provided in section thirty-nine hundred and seventy dash eleven.

Submission of question of bond issue for erection, repairing, etc., of schoolhouse.

Sec. 3992. If a majority of the electors, voting on the proposition to issue bonds, shall vote in favor of said issue, the board shall be thereby authorized to issue bonds for the amount indicated by the vote provided for in section thirty-nine hundred and ninety-one, the issue and sale of said bonds to be provided for by a resolution fixing the amount of each bond, the length of time they shall run, the rate of interest they shall bear, and the time of sale which may be by competitive bidding at the discretion of the board; the bonds

If question approved, board authorized to issue such bonds.

shall bear a rate of interest not to exceed six per cent. per annum payable semiannually, shall be made payable within at least forty years from the date thereof, be numbered consecutively, made payable to the bearer, bear date of the day of sale and be signed by the president and clerk of the board of education; the clerk of the board shall keep a record of the number, date, amount, and the rate of interest of each bond sold, the amount received for the same, the name of the person to whom sold, and the time when payable, which record shall be open to the inspection of the public at all reasonable times; and the bonds so issued shall in no case be sold for a less sum than their par value, nor bear interest until the purchase money for the same shall have been paid by the purchaser.

Tax levy to
pay bonds
thus issued.

Sec. 3993. When an issue of bonds has been provided for under sections thirty-nine hundred and ninety-one and thirty-nine hundred and ninety-two the board of education shall certify annually, to the county auditor or auditors as the case may require, a tax levy sufficient to pay said bonded indebtedness as the same shall fall due together with accrued interest thereon; the county auditor or auditors shall place said levy on the tax duplicate and it shall be collected and paid to the board of education in the same manner as other taxes are collected and paid. The tax levy provided for herein shall be in addition to the tax levy provided for under section thirty-nine hundred and fifty-nine and shall be kept in a separate fund by the board of education and applied only to the payment of the bonds and interest for which it was levied.

Issue of bonds
by boards of
education or
city districts.

Sec. 3994. The board of education of any school district may issue bonds to obtain or improve public school property, and in anticipation of income from taxes, for such purposes, levied or to be levied, may, from time to time, as occasion requires, issue and sell bonds, under the restrictions and bearing a rate of interest specified in section thirty-nine hundred and ninety-two and shall pay such bonds and the interest thereon when due, but shall provide that no greater amount of such bonds shall be issued in any year than would equal the aggregate of a tax at the rate of two mills, for the year next preceding such issue, but the order to issue bonds shall be made only at a regular meeting of the board and by a vote of two-thirds of the full membership of the board, taken by yeas and nays and entered upon the journal of the board; but in no case shall a board of education issue bonds under the provisions of this section in a greater amount than can be provided for and paid with the tax levy provided for under section thirty-nine hundred and fifty-nine of the Revised Statutes of Ohio, and paid within forty years after the bond issue on the basis of the tax valuation at the time of the bond issue.

Sufficient ele-
mentary
schools must
be provided.

Sec. 4007. Each board of education shall establish a sufficient number of elementary schools to provide for the free education of the youth of school age within the district under its control, at such places as will be most convenient

for the attendance of the largest number of such youth, and shall continue each and every elementary day school so established not less than [twenty-eight] thirty-two nor more than forty weeks in each school year, and all the elementary schools within the same school district shall be continued the same length of time. And boards of education are required to prescribe a graded course of study for all schools under their control in the branches named in section 4007-1 of the Revised Statutes of Ohio, subject to the approval of the state commissioner of common schools. Each township board of education shall establish and maintain at least one elementary school in each subdistrict under its control, unless transportation is furnished to the pupils thereof as provided by law.

Sec. 4007-1. An elementary school is hereby defined as a school in which instruction and training are given in spelling, reading, writing, arithmetic, English language, English grammar and composition, geography, history of the United States, including civil government, physiology and hygiene; but nothing herein contained shall be construed as abridging the power of boards of education to cause instruction and training to be given in vocal music, drawing, elementary algebra, the elements of agriculture and other branches which they may deem advisable for the best interests of the schools under their charge.

Elementary school defined.

(4009-15) Sec. 1. The boards of education of two adjoining township school districts, or of a township district and of a village or special school district situated partially or wholly within the township, may, by a majority vote of the full membership of each of said boards, unite said districts for high school purposes and each board may submit the question of levying a tax on the property in their respective districts, for the purpose of purchasing a site and erecting a building, and may issue bonds, as is provided for in sections thirty-nine hundred and [ninety-one,] sixty-one, thirty-nine hundred and [ninety-two,] sixty-two and thirty-nine hundred and [ninety-three] sixty-three of the Revised Statutes of Ohio, but said question of tax levy must carry in both districts before it shall become operative in either. If said boards of education have sufficient money in the treasury to purchase said site and erect said building, or if there is a suitable building in either district owned by the board of education that can be used for a high school building, it shall not be necessary to submit the proposition to a vote, and the boards are authorized to appropriate money from their funds for this purpose. Any high school so established shall be under the management of the board of education of the district in which the schoolhouse is located, and shall be free to all youth of school age within both districts, subject to such rules and regulations as may be adopted by the board of education having control of the school in regard to the qualifications in scholarship requisite for admission, such rules and regulations to be of uniform operation throughout both districts. The funds for the maintenance

Township high school district, establishment of by boards of education.

Question of tax levy for such purpose must be submitted to vote.

When vote not necessary.

Such high school shall be under control of board of education of district in which school-house is located.

How funds provided.

and support of such high school shall be provided by appropriations from the tuition or contingent funds, or both, of each district, in proportion to the total valuation of property in the respective districts, the same to be placed in a separate fund in the treasury of the board of education having control of the school and paid out by action of said board, but only for the purposes of maintaining said school.

Joint township high school districts, etc., heretofore created, abolished; how schools therein maintained and conducted.

(4009-16) Sec. 2. Joint township high school districts heretofore established as provided for in section 4009-15 to 4009-20 inclusive, of the Revised Statutes of Ohio, as they existed prior to the passage of this act, are hereby abolished and the schools in said districts shall be hereafter conducted as provided in section 4009-15 of the Revised Statutes of Ohio, as contained herein. Boards of education of special districts for high school purposes, as provided in section 4009b of the Revised Statutes of Ohio, as it existed prior to the passage of this act, are hereby abolished and the high schools in said district shall hereafter be conducted and maintained as provided in section 4009-15 of the Revised Statutes of Ohio as herein contained.

Who may be admitted to school free.

Sec. 4013. The schools of each district shall be free to all youth between six and twenty-one years of age, who are children, wards or apprentices of actual residents of the district, including children of proper age who are or may be inmates of a county or district children's home located in any such school district, at the discretion of the board of education of said school district; provided that all youth of school age living apart from their parents or guardians and who work to support themselves by their own labor, shall be entitled to attend school free in the district in which they are employed. Each board of education may admit other persons upon such terms or upon the payment of such tuition as it may prescribe; provided, that when a youth between the age of six and twenty-one years or the parent of such youth owns property in a school district in which he does not reside and said youth attends the schools of said district, the amount of school tax paid on such property shall be credited on the tuition of said pupil. Boards of education are authorized to make such an assignment of the youth of their respective districts to the schools established by them as will in their opinion best promote the interests of education in their districts.

Nonresident pupils.**Crediting of school tax on tuition.****Assignment of pupils.****Dismissal of school on holidays.**

Sec. 4015. Teachers employed in the public schools may dismiss their schools, without forfeiture of pay, on the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the twenty-fifth day of December, and on [any] the day set apart by proclamation of the president of the United States or [the] governor of this state as a day of fast, thanksgiving or mourning.

Control of schools vested in boards; appointees; salaries.

Sec. 4017. Each board of education shall have the management and control of all of the public schools of whatever name or character in the district, with full power to ap-

point a superintendent of the public schools, truant officers, and janitors and fix their salaries; and, if deemed essential for the best interests of the schools of the district, the board may, under proper rules and regulations, appoint a superintendent of buildings, and such other employes as the board may deem necessary, and fix their salaries; and each board shall fix the salaries of all teachers, which salaries may be increased, but shall not be diminished during the term for which the appointment is made, and teachers shall be paid for all time lost when the schools in which they are employed are closed owing to an epidemic or other public calamity, but no person shall be appointed as a teacher for a term longer than four school years, nor for a less term than one year except to fill an unexpired term, the term to begin within four months of the date of the appointment, provided that in making appointments teachers in the actual employ of the board shall be first considered before new teachers are chosen in their stead. A board of education in a city district may, at its discretion, elect a director of schools, who shall serve as such for the term of two years, unless earlier removed as hereinafter provided, and any vacancy in this office shall be filled for the unexpired term of such director of schools. As director of schools, he shall execute for the board of education, in the name of the school district, its contracts and obligations, except that bonds issued shall be signed by the president of the board, and attested by the clerk. He shall see that all contracts made by or with said board shall be fully and faithfully performed. Except teachers, assistant teachers, supervisors, principals, superintendent of instruction, clerk of the board of education, he shall have the appointment subject to the approval and confirmation of the board of all employes, and may discharge the same. He shall have the care and custody of all property of the school district, real and personal, except moneys. He shall oversee the construction of buildings, in the process of erection, and the repairs of the same. He shall advertise for bids and purchase all supplies and equipments authorized by the board. He shall report to the board monthly, and oftener if required, as to all matters under his supervision, and report to the board a statement of its accounts, exhibiting the revenues, receipts, disbursements, assets and liabilities of the board, the sources from which the revenues and funds are derived, and in what manner the same have been disbursed. He shall keep accurate account of taxes levied for school purposes, and all moneys due to, received and disbursed by the board; also, of all assets and liabilities and all appropriations made by the board, and shall receive and preserve all vouchers for payments and disbursements made to or by the board. He shall issue all warrants for the payment of money from the school fund, but no warrant shall be issued for the payment of any claim until such claim has been approved by the board, and the pay roll for teachers, assistant teachers and supervisors shall be countersigned by the superintendent of instruction. He shall attend all meet-

Terms.

In city district may appoint a director of schools; his powers, duties, compensation, etc.

May suspend
or remove
director.

Appointees:
clerk's duty to
notify and
secure accep-
tance or
rejection.

Resignations.

Dismissals.

Superintend-
ent of city
school district;
appointment;
term; powers
and duties.

ings of the board, and perform all of its executive functions not hereinbefore excepted in defining the duties of the director of schools. He shall devote such portion of his time to the duties of his office as may be required by the board of education at or before his election, and shall give a bond for the faithful discharge of his duties as director of schools, in such sum as the board may determine, his sureties to be approved by the board, which bond shall be deposited with the president of the board within ten days after his appointment. He shall receive such compensation, not exceeding \$5,000 per annum, as may be fixed by the board before his election, which compensation shall not be changed during his term of office. The board of education may, at any time, by a two-thirds vote for cause, suspend or remove the director of schools, but such suspension or removal shall not be made unless the charges are preferred in writing, and an opportunity afforded to bring all offered pertinent testimony in as a defense, which testimony shall be received and considered by the board and made a part of the records. Upon the appointment of any person to any position under the control of the board of education, it shall be the duty of the clerk promptly to notify such person verbally or in writing of the appointment and the conditions thereof and request and secure from such person within a reasonable time to be determined by the board, his acceptance or rejection of the appointment thus made, and an acceptance of such appointment within the time thus determined shall constitute a contract binding both parties thereto until such time as it may be dissolved, shall expire, or the appointee be dismissed for cause. All resignations or requests for release from contract by teachers, superintendents, or employes, shall be promptly considered by the board, but no resignation or release shall become effective except by consent of the board. Each board may dismiss any appointee or teacher for inefficiency, neglect of duty, immorality, or improper conduct; but no teacher shall be dismissed by any board unless the charges are first reduced to writing and an opportunity be given for defense before the board, or a committee thereof, and a majority of the full membership of the board vote upon roll call in favor of such dismissal.

Sec. 4017a. The board of education in each city school district shall appoint a suitable person to act as superintendent of the public schools of the district, for a term not longer than five school years, the term to begin within four months of such appointment. Provided, that the present board of education shall not employ a superintendent for a term to [extend] exceed beyond the school year ending August 31, 1905. Said superintendent shall, upon his acceptance of the appointment, become thereby empowered to appoint, subject to the approval and confirmation of the board, all the teachers, and he may for cause suspend any person thus appointed until the board or a committee of the board may consider such suspension, but no one shall be dismissed by the board except as provided in section 4017 of the Revised Statutes of Ohio:

provided that any city board of education may, upon a three-fourths vote of its full membership, re-employ any teacher whom the superintendent refuses to appoint. Said superintendent shall visit the schools under his charge, direct and assist teachers in the performance of their duties, classify and control the promotion of pupils, and perform such other duties as the board may determine. He shall report to the board of education annually, and oftener if required, as to all matters under his supervision, and may be required by the board to attend any and all of its meetings and may take part in its deliberations but shall not vote. The board of education of each village, township and special school district may appoint a suitable person to act as superintendent, and to employ the teachers of the public schools of the district, for a term not longer than three school years, the term to begin within four months of the date of the appointment; but nothing herein shall be construed as preventing two or more districts uniting and appointing the same person as superintendent. Provided, that the present board of education shall not employ a superintendent or teacher for a term to extend beyond the school year ending August 31, 1905. The superintendent shall, upon his acceptance of the appointment, become thereby empowered to visit the schools under his charge, direct and assist teachers in the performance of their duties, classify and control the promotion of pupils, and perform such other duties as the board may determine. He shall report to the board of education annually, and oftener if required, as to all matters under his supervision, and may be required by the board to attend any and all of its meetings, and may take part in its deliberations, but shall not vote; provided, however, that any board may permit or require the superintendent to devote a portion of his time to teaching, subject to the rules and regulations of said board.

superintendent of village, township or special school district; appointment, term, powers and duties.

Sec. 4018. All teachers shall exercise reasonable care in regard to all school property, apparatus, and supplies intrusted to their keeping. They shall strive to guard the health and physical welfare of the pupils in their schools, give efficient instruction in the studies pursued, and endeavor to maintain and preserve good discipline over all the pupils under their charge. Provided, however, that no teacher shall be required by any board to do the janitor work of any school room or building, except as mutually agreed by special contract, and for compensation in addition to that received by him for his services as teacher.

General duties of teachers.

Sec. 4019. If the board of education of any district dismiss any teacher for any frivolous or insufficient reason, such teacher may bring suit against such district, and if, on the trial of the cause, a judgment be obtained against the district, the board thereof shall direct the clerk to issue an order upon the treasurer for the sum so found due to the person entitled thereto, to pay the same out of any money in his hands belonging to such district, and applicable to the

Teachers dismissed for insufficient cause may institute suit.

payment of teachers; and in such suits process may be served on the clerk of the district, and service upon him shall be sufficient.

Physical culture in schools; where.

(4020-17) Sec. 1. Physical training shall be included in the branches to be regularly taught in public schools in city school districts, and in all educational institutions supported wholly or in part by money received from the state, and it shall be the duty of the boards of education of city school districts, and boards of such educational institutions to make provisions in the schools and institutions under their jurisdiction for teaching of physical training, and to adopt such methods as shall adapt the same to the capacity of the pupils in the various grades therein; and other boards may make such provisions. The curriculum in all normal schools of this state shall contain a regular course on physical education.

Normal schools shall give course of physical education.

Manual and commercial training and kindergartens.

(4020-18) Sec. 1. Any board of education may establish and maintain manual training and commercial departments and kindergartens in connection with the public school system and pay the expenses of establishing and maintaining said schools from the public school funds, in the same manner and from the same funds as other school expenses are paid.

When German language may be taught.

Sec. 4021. Boards of education are authorized to provide for the teaching of the German language in the elementary and high schools of the district over which they have control, but said language shall only be taught in addition to, and as auxiliary to, the English language; all the common branches in the public schools shall be taught in the English language.

Attendance at nearest school.

Sec. 4022a. When pupils live more than one and one-half miles from the school to which they are assigned in the district in which they reside, they are entitled to attend a nearer school in the same district, or if there be no nearer school in said district, they may attend the nearest school in another school district, in all grades below the high school, and in such cases the board of education of the district in which they reside shall be compelled to pay the tuition of such pupils without an agreement to that effect, but a board of education shall not collect tuition for attendance as provided herein until after notice of such attendance shall have been given to the board of education of the district where the pupils reside, but nothing contained herein shall be construed to require the consent of the board of education of the district where the pupils reside, to such attendance; said tuition shall be paid from either the tuition or the contingent funds and the amount per capita shall be ascertained by dividing the total expenses of conducting the elementary schools of the district attended, exclusive of permanent improvements and repairs, by the total enrollment in the elementary schools of the district, said amount to be computed by the month and an attendance any part of a month shall create a liability for the whole month. When

Expense per capita.

the schools of a district are centralized or transportation of pupils provided, the provisions of this section shall not apply.

This section not to apply when schools are centralized.

Sec. 4022-2. No child under sixteen years of age shall be employed or be in the employment of any person, company or corporation during the school term and while the public schools are in session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in section 4022-1 of the Revised Statutes of Ohio; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read and write legibly the English language. The age and schooling certificate shall be formulated by the state commissioner of common schools and the same furnished, in blank, by the clerk of the board of education. Every person, company or corporation employing any child under sixteen years of age, shall exact the age and schooling certificate prescribed in this section, as a condition of employment and shall keep the same on file, and shall upon request of the truant officer herein provided for, permit him to examine such age and schooling certificate. Any person, company or corporation, employing any minor contrary to the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars.

Employment of children under sixteen years; when unlawful.

Penalty.

Sec. 4031. The board of education of each school district, shall, on or before the second Saturday in May, appoint one or more persons to take the enumeration provided for in section forty hundred and thirty of the Revised statutes of Ohio. Each person appointed to take such enumeration shall take an oath or affirmation to take the same accurately and truly to the best of his skill and ability. When making return thereof to the clerk of the board of education, he shall accompany the same with a list of the names of all the youth enumerated, noting the age of each, and with his affidavit duly certified that he has taken and returned the enumeration accurately and truly to the best of his knowledge and belief, and that such list contains the names of all such youth so enumerated and none others. The clerk of the board of education or any officer authorized to administer oaths, may administer such oath or affirmation, take and certify such affidavit, and the clerk shall keep in his office for the period of five years such report and the list of names, and each person so taking and returning the enumeration shall be allowed by the proper board of education reasonable compensation for its services.

Enumeration of school youth; how taken; compensation for same.

Enumeration
when district
situated in
two or more
counties.

Sec. 4032. When a school district including territory attached for school purposes, is situated in two or more counties, it shall be the duty of the person or persons taking such enumeration to report the number of youth as provided in section forty hundred and thirty of the Revised Statutes of Ohio, residing in each county and the clerk of the board shall make returns to the auditors of the respective counties in which such youth reside as provided in section forty hundred and thirty-five of the Revised Statutes of Ohio.

Clerk to
transmit ab-
stract of enu-
meration to
county
auditor.

Sec. 4035. The clerk of each board shall, annually, on or before the first Saturday in July make, and transmit to the county auditor, an abstract of the enumeration by this chapter required to be returned by him, according to the form prescribed by the commissioner of common schools, with an oath or affirmation endorsed thereon that it is a correct abstract of the returns made to him under oath or affirmation; and the oath or affirmation of the clerk may be administered and certified by any member of the board of education, or by the county auditor.

When the
clerk fails, au-
ditor to act.

Sec. 4036. If the clerk of any district fail to transmit such abstract of enumeration on or before the first Saturday in July, the auditor shall at once demand the same from such clerk; and in case the enumeration has not been taken as required by this chapter, or the abstract required be not furnished without delay, the auditor shall employ competent persons to take such enumeration, who shall be subject to the legal requirements already specified, except that the return shall be made directly to the auditor, who may administer to each person employed the oath or affirmation required; and the auditor shall allow the person employed by him, a reasonable compensation, to be paid out of the general county fund, and shall proceed to recover the amount so paid in civil action before any court having competent jurisdiction, in the name of the state, against such clerk on his bond, and the amount so collected shall be paid into the school funds of the district.

When enum-
eration not
taken, district
not entitled
to school
funds.

Sec. 4038. If an enumeration of the youth of a district be not taken and returned in any year, such district shall not be entitled to receive any portion of the school funds distributable in that year on the basis of enumeration; and if such loss to a district occur through the failure of the clerk of the board of education of a district to perform the duty required of him under section forty hundred and thirty-five of the Revised Statutes of Ohio, he shall be liable to the district for the loss, which may be recovered in an action in the name of the state; and the money so recovered shall be paid into the county treasury, and apportioned in the same manner as the school funds so lost would have been apportioned.

Auditor to
furnish ab-
stract to state
commissioner.

Sec. 4039. The auditor of each county shall make and transmit to the state commissioner of common schools, on or before the third Saturday in July in each year, on blanks to be furnished by the commissioner, an abstract of the enumeration returns made to him, duly certified.

Sec. 4042. In each city, village and township school district, the treasurer of the city, village and township funds, shall be respectively the treasurer of the school funds; in each special district the board of education shall choose its own treasurer, whose term of office shall be for one year beginning on the first day of September.

Treasurer of school funds.

Sec. 4043. Each school district treasurer shall, before entering upon the duties of his office, execute a bond, with sufficient sureties, in an amount at least equal to the amount of school funds that may come into his hands, payable to the state of Ohio, to be approved by the board of education, conditioned for the faithful disbursement, according to law, of all funds which come into his hands; and he may at any time thereafter be required to give additional sureties on his accepted bond, or to execute a new bond with sufficient sureties to the approval of the board of education whenever the said board of education deem it necessary, and if said treasurer shall fail for ten days after service of notice in writing of such requisition, to give bond or additional sureties as aforesaid as required by said board, the office shall be considered and declared vacant and shall be filled as in other cases. Every bond, when so executed and approved, shall be filed with the clerk of the board of education of the district, and recorded, who shall cause a certified copy thereof or the names of additional sureties, to be filed with the county auditor without delay, and such board at the time of the approval of any bond or sureties, shall require the treasurer of the school funds to produce all money, bonds or other securities in his hands as such treasurer, and the same shall be then counted by the board or a committee thereof, in the presence of the clerk of the board, who shall thereupon enter upon the records of the board, a certificate, setting forth the exact amount of money or securities so found in the hands of such treasurer, which record shall be signed by the president and clerk of the board and shall be prima facie evidence that the amount therein stated was actually in the treasury at that date.

Bond of treasurer.

Additional sureties or new bond.

Sec. 4047. No treasurer of a school district shall pay out any school money except on an order signed by the president and countersigned by the clerk of the board of education; and no money shall be paid to the treasurer of a district, other than that received from the county treasurer, except upon the order of the clerk of the board, who shall report the amount of such miscellaneous receipts to the county auditor each year, immediately preceding such treasurer's settlement with the auditor.

When treasurer may receive or pay money.

Sec. 4048. The clerk of a board of education or the county auditor shall pay no money into the hands of the treasurer of a school district in excess of the amount of his bond and should said clerk or auditor violate this provision, he and his bondsmen shall be liable for any loss occasioned thereby; and before giving said treasurer any warrant or order for any school funds the auditor may require the

Maximum amount of funds which treasurer may hold.

treasurer to file with him a statement showing the amount of such funds in his possession, signed by the clerk of the board of education.

Annual statistical report of board of education; by whom prepared.

Sec. 4052. The clerk of each board shall prepare the annual report of the receipts and expenditures of school money, and the statistical statement in reference to the schools, required of the board by section forty hundred and fifty-seven of the Revised Statutes of Ohio, and transmit the same to the county auditor on or before the first day of September; provided, that in each school district having a superintendent of schools, the annual report, except the receipts and expenditures of money, shall be made by the superintendent.

Publication of statement of receipts and expenditures by clerk.

Sec. 4053. The board of education of each district, except city districts, shall require the clerk of the board annually, ten days prior to the election for members of the board of education, to prepare and post at the place or places of holding such elections, or publish in some newspaper of general circulation in the district, an itemized statement of all money received and disbursed by the treasurer of the board within the school year last preceding.

How treasurer and clerk to keep accounts.

Sec. 4055. The auditor of each county shall furnish to the clerk and treasurer of each school district in his county a suitable blank book, made according to the form prescribed by the bureau of inspection and supervision of public offices, in which each shall keep an account of the school funds of his district; the clerk's account shall show the amounts certified by the county auditor to be due the district, all sums paid to the treasurer from other sources on his order, and all orders drawn by him on the treasurer, and upon what funds and for what purposes drawn; the treasurer's accounts shall show the amounts received from the county treasurer, all sums received from other sources on the order of the clerk, and the amounts paid out, and from what funds and for what purposes paid; and a separate account of each fund shall be kept, and each account shall be balanced at the close of the school year, and the balance in the treasurer's hands belonging to each fund shown.

Compensation of treasurer and clerk.

Sec. 4056. The board of education of each school district shall fix the compensation of its clerk and treasurer, which shall be paid from the contingent fund of the district; if the clerk and treasurer are paid annually the order for the payment of their salaries shall not be drawn until said clerk and treasurer shall present to the board of education a certificate from the county auditor stating that all reports required by law have been filed in his office; if the clerk and treasurer are paid semiannually, quarterly, or monthly, the last payment on their salaries previous to August 31, shall not be made until all reports required by law have been filed with the county auditor and his certificate presented to the board of education as required herein.

Sec. 4059. Boards of education shall require all teachers and superintendents to keep the school records in such manner that they may be enabled to report annually to the county auditor and state commissioner of common schools, as required by the provisions of this title and shall withhold the pay of such teachers and superintendents as fail to file the reports required of them; the records of each school shall, in addition to all other requirements, be so kept as to exhibit the names of all pupils enrolled therein, the studies pursued, shall indicate the character of the work done, the standing of each pupil, and shall be as near uniform throughout the state as may be practicable; said boards may require superintendents and teachers to report such matters as they deem important or necessary for information in regard to the management and conduct of the schools and to make such suggestions and recommendations as they may deem advisable relative to methods of instruction, school management, or other matters of educational interest; and the board of education of each city district shall prepare and publish annually a report of the condition and administration of the schools under its charge, and include therein a complete exhibit of the financial affairs of the district.

Reports by superintendents and teachers.

Sec. 4069. There shall be a county board of school examiners for each county, which shall consist of three competent persons to be appointed by the probate judge. Two of such persons shall have had at least two years' experience as teachers or superintendents, and shall have been within five years, actual teachers in the public schools. Each person so appointed shall be a legal resident of the county for which he is appointed, and, should he remove from the county during his term, his office shall be thereby vacated and his successor be appointed. No examiner shall teach in, be connected with, or be financially interested in any school which is not supported wholly or in part by the state, or be employed as an instructor in any teachers' institute in his own county; nor shall any person be appointed to the position, or exercise the office of examiner who is agent of or is financially interested in any book publishing or book selling firm, company or business, or in any educational journal or magazine. If an examiner becomes connected with or interested in any school not under state control, or is employed in any such institute [institution] in his own county, or becomes an agent of or interested in any book company or journal, or fails to hold the necessary teachers' certificate, or removes from the county, the probate judge shall forthwith, upon being apprised of such fact, remove such examiner and appoint his successor. The term of office of such examiner shall be three years. The term of one of the examiners shall expire on the thirty-first day of August, each year; but the probate judge shall revoke the appointment of any examiner, upon satisfactory proof that he is inefficient, intemperate, negligent, guilty of immoral conduct, or that he is using his office for personal or private gain. When a vacancy

School examiners: county boards; appointment, term, and vacancies; removals and disqualifications; notice of appointment

occurs in the board, whether from expiration of the term of office, refusal to serve, or other cause, the probate judge shall promptly fill the same by appointment for the full or unexpired term, and said judge shall, within ten days, report the same to the state commissioner of common schools, together with the names of the other members of the board and the date of the expiration of their several terms of office. The members of county boards of examiners, as now constituted, shall serve for the full term for which they were appointed unless removed for cause as provided for in section forty hundred and sixty-nine as it existed previous to this enactment.

**Organisation
of board;
duties of
officers.**

Sec. 4070. The board of county school examiners shall annually in the month of September organize by choosing from its members a president, a vice president, and a clerk; the president shall preside at all the meetings of the board, and in his absence the vice president shall preside; the clerk shall keep a full and accurate record of the proceedings of the board, showing the number and date and character of each certificate issued, and to whom, for what term, and for what branches of study, and such other statistics relating to the examination and the proceedings of the board as the state commissioner of common schools may require, and in the form and manner he may require, and shall make a report of all such items annually on or before the first day of September; the clerk shall receive for his services as clerk four dollars for each examination of sixty applicants or less, six dollars for each examination of more than sixty applicants and less than one hundred, eight dollars for each examination of one hundred applicants or more, to be paid out of the county treasury on the order of the county auditor, but no order shall be drawn for the month of August until the clerk produce a receipt from the state commissioner of common schools that he has filed all the reports for the year required by said commissioner. The board shall make all needful rules and regulations for the proper discharge of its duties and the conduct of its work, subject to statutory provisions and the approval of the state commissioner of common schools.

**Compensation
of clerk.**

**Rules and
regulations.**

**Meetings for
examinations;
notice.**

Sec. 4071. Each board shall hold public meetings for the examination of applicants for county teachers' certificates on the first Saturday of every month of the year, unless Saturday should fall on a legal holiday, in which case, said examination shall be held on the succeeding Saturday, at such place or places within the county as will, in the opinion of the board, best accomodate the greatest number of applicants, notice of which shall be published in two weekly newspapers of different politics printed in the county, if there are two papers thus published, if not, then a publication in one only is required. In no case shall the board hold any private examination or antedate any certificate. A majority of the board may examine applicants and grant certificates; and as a condition of any applicant being admitted

**Majority's
power; exam-
ination fee.**

to take the examination, each such applicant shall pay to the board for the use of the county institute a fee of fifty cents.

Sec. 4071a. After the first day of September, 1904, the questions for all county teachers' examinations, throughout the state, shall be prepared under the direction of the state commissioner of common schools, and sample lists shall be mailed, under seal, to the clerks of the said boards of examiners not less than ten days before each examination. Upon the receipt of said lists, the boards are authorized and required to have a sufficient number of copies of the same printed for use in the examination. Any person connected with the preparation, printing, distribution, or handling of said questions, who shall, prior to the examination in each branch of study, make the same public in any manner or give information in regard to the nature or character of the questions to any applicant for a certificate or other person, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than fifty dollars nor more than one hundred dollars.

Uniform system of examinations.

Sec. 4072. The clerk of the board of county school examiners shall promptly collect all fees from applicants at each examination and pay the same into the county treasury quarterly, and he shall file with the county auditor a written statement of the amount, and the number of applicants, male and female, examined during the quarter; and all such money thus received shall be set apart by the auditor for the support of county teachers' institutes, to be applied as provided for in chapter thirteen of this title.

Disposition of fees.

Sec. 4073. The county board of school examiners may grant teachers' certificates for one, two, three, five, and eight years from the day of the examination; and said certificates shall be valid in all village, township, and special school districts of the county wherein they are issued, but in all school districts situated in two or more counties teachers' certificates obtained in either county shall be valid in such districts. All teachers' certificates granted for one, two or three years shall be regarded as provisional certificates and shall be issued only in compliance with such reasonable regulations and standards and upon such ratios as the board may adopt, but no such certificate shall be renewed except upon examination; provided, that when any teacher holding a two year certificate and having for the last five years preceding been continuously engaged in teaching in the same county, said teacher shall be entitled to have his or her certificate renewed by passing an examination in theory and practice; all certificates granted for five years, or eight years, shall be regarded as professional certificates and shall be renewable without examination at the discretion of the examining board, if for three years preceding the date of the application the holders thereof shall have been engaged in teaching, not less than twelve months of such time being spent in the same district and the board of examiners being satisfied as to the moral character and the professional attain-

Granting and revocation of certificates; investigation of teachers; expenses.

ments of the holders thereof. No certificate shall be issued to any person who is less than eighteen years of age; and if at any time the recipient of a certificate be found intemperate, immoral, incompetent, or negligent, the examiners, or any two of them, may revoke the certificate; but such revocation shall not prevent a teacher from receiving pay for services previously rendered; but before any hearing is had by a board of examiners on the question of the revocation of a teacher's certificate, the charges against the teacher shall be reduced to writing and placed upon the records of the board, and the teacher shall be notified in writing as to the nature of the charges and the time set for the hearing, such notice to be served personally or at his residence, and the teacher shall be entitled to produce witnesses and defend himself; the examining board shall have power to send for witnesses and examine them on oath or affirmation touching the matter under investigation, and said oath or affirmation may be administered by any member of the board of examiners. The fees and the per diem of examiners for conducting such investigation at three dollars a day each and other expenses of such trial shall be certified to the county auditor by the clerk and president of the examining board, and be paid out of the county treasury upon the order of the auditor.

What kind of certificates shall be issued.

Certificate a prerequisite to employment of teacher.

Sec. 4074. From and after the first day of September, 1904, three kinds of teachers' certificates only shall be issued by county boards of school examiners; said kinds of teachers' certificates shall be styled respectively "teacher's elementary school certificate," which shall be valid for all branches of study in schools below high school rank, "teacher's high school certificate," which shall be valid for all branches of study in recognized high schools and for superintendents, and "teacher's special certificate," which shall be valid in schools of all grades, but only for the branch or branches of study named therein. From and after the first day of September, 1905, no person shall be employed or enter upon the performance of his duties as a teacher in any elementary school supported wholly or in part by the state in any village, township, or special school district who has not obtained from a board of school examiners having competent jurisdiction a certificate of good moral character and that he or she is qualified to teach orthography, reading, writing, arithmetic, English grammar and composition, geography, history of the United States, including civil government, physiology including narcotics, literature, and that he or she possesses an adequate knowledge of the theory and practice of teaching; and no person shall be employed or enter upon the performance of his duties as a teacher in any recognized high school supported wholly or in part by the state in any village, township, or special school district, or act as a superintendent of school in such district, who has not obtained from a board of examiners having competent jurisdiction a certificate of good moral character and that he or she is qualified to teach literature, general history, algebra, physics,

physiology including narcotics, and, in addition thereto, four branches elected from the following branches of study: Latin, German, rhetoric, civil government, geometry, physical geography, botany, and chemistry; and that he or she possesses an adequate knowledge of the theory and practice of teaching; and no person shall be employed and enter upon the performance of his duties as a special teacher of music, drawing, painting, penmanship, gymnastics, German, French, the commercial and industrial branches, or any one of them, in any elementary or high school supported wholly or in part by the state in any village, township, or special school district, who has not obtained from a board of examiners having competent jurisdiction a certificate of good moral character and that he or she is qualified to teach the special branch or branches of study, and, in addition thereto, that he or she possesses an adequate knowledge of the theory and practice of teaching; provided, that county boards of school examiners are authorized to recognize or renew, at their discretion, in the appropriate kind and for the same length of time any certificate or certificates, held by teachers who may apply for such recognition or renewal prior to the first day of September, 1905, and provided, further, that no person holding a common school life certificate issued by the board of state examiners shall be required to hold any other certificate to teach in the elementary schools of the state, nor shall any holder of said common school life certificate be required by any board to be examined in any of the branches covered by said certificate in order to be granted the teachers' high school certificate authorized herein.

Recognition or
renewal of
certificates,
etc.

Sec. 4075. Each member of the county board of school examiners shall be entitled to receive ten dollars for each examination of sixty applicants or less, fourteen dollars for each examination of more than sixty applicants and less than one hundred, eighteen dollars for each examination of one hundred applicants or more, to be paid out of the county treasury on the order of the county auditor; all books, blanks, and stationery required by the board shall be furnished by the county auditor; the board may contract for the use of suitable rooms in which to conduct examinations, for the printing of examination questions, may procure fuel and light, and employ janitors, to take charge of the rooms and keep them in order, and the expenses so incurred, together with the cost of advertising required by section forty hundred and seventy-one, shall be paid out of the county treasury on orders of the county auditor, who shall issue such orders upon the certificate of the president of the board, countersigned by the clerk.

Compensation
and expenses
of board, etc.

Sec. 4076. The clerk of the board shall prepare, and forward to the state commissioner of common schools, on or before the first day of September in each year, a statement of the number of examinations held by the board, the number of applicants examined, the total number of certificates granted, and the number for each term mentioned in section

Annual report
of clerk; his
bond.

forty hundred and seventy-three, the amount of fees received and paid to the county treasurer, the amount received from the county treasury by the members of the board for their services, and such other statistics and information in relation to the duties of the board as said commissioner may require; and he shall deposit with the county auditor a bond, with surety to be approved by the auditor, in the sum of three hundred dollars, that he will pay into the county treasury, quarterly, the examination fees received by the board, and make the statistical returns required by this chapter.

City board of school examiners; appointment, term, vacancies and removals.

Sec. 4077. There shall be a city board of school examiners for each city school district, to be appointed by the board of education of the district; such board shall consist of three persons, and the majority of the persons appointed shall have had at least two years' practical experience in teaching in the public schools and all persons appointed shall be otherwise competent for the position and residents of the district for which they are appointed; the term of office of such examiners shall be three years; the term of one-third of the examiners shall expire on the thirty-first day of August each year; but the board of education may revoke any appointment upon satisfactory proof that the appointee is inefficient, intemperate, negligent, or guilty of immoral conduct; when a vacancy occurs in the board, whether from expiration of term of office, refusal to serve, or other cause, the board of education shall fill the same by appointment for the full or unexpired term, as the case demands; and within ten days after an appointment, the clerk of the board of education shall report to the state commissioner of common schools the name of the appointee, and whether the appointment is for a full or an unexpired term; provided, that in city school districts that now have a board of city school examiners consisting of three members, the members of the same shall serve for the full term for which they were appointed; where the board does not consist of three members the same is hereby abolished and a new board shall be appointed, the members to serve for one, two and three years from the thirty-first day of August succeeding the passage of this act. All village boards of examiners are hereby abolished, but certificates issued by said boards shall continue in force within the village school district, for the full time for which they were issued.

In what case present city board to be abolished.

Village boards abolished.

Standard of qualification for teachers; examination of schools; law governing board in examining teachers; special examiners; their oath; duty of school superintendents.

Sec. 4078. Each city board of school examiners shall determine the standard of qualification for teachers, and may examine any school in the district when such examination is deemed necessary to ascertain a teacher's qualifications, but in the examination of applicants and the granting of certificates the board shall be governed by the provisions of section forty hundred and seventy-four, and to secure a thorough examination of applicants in difficult branches, or special studies, the board may secure the assistance, temporarily, of persons of sufficient knowledge in such branches or studies, who shall promise on oath or affirmation, to be

administered by the clerk of the board of examiners, to perform the duties of examiner faithfully and impartially, and superintendents of schools shall give to the board all necessary information in reference to branches and special studies to be taught, and the branches of study and grades of school which teachers will be required to teach.

Sec. 4079. Each city board of school examiners shall organize during the month of September each year by choosing from its members a president, a vice president, and a clerk; the president shall preside at all the meetings of the board, and in his absence the vice president shall preside; the clerk shall perform all the duties required in this chapter of the clerk of the board of county school examiners in so far as said duties apply, and shall give bond, in the sum of three hundred dollars with surety to be approved by the board of education, conditioned that he will perform faithfully the duties required of him by this chapter, which bond shall be deposited with the clerk of the board of education.

Organisation
of board; du-
ties of officers;
clerk's bond.

Sec. 4080. Each board of city school examiners shall hold not less than two meetings each year, notice of which shall be published in some newspaper of general circulation in the district, and the expense of such publication shall be paid as provided in section forty hundred and eighty-three, and all examinations of applicants shall be conducted at the meetings of the boards thus called, and the examination of each and every applicant shall be in the presence of at least two members of the board.

Meetings for
examination;
notice.

Sec. 4081. Each city board of school examiners may grant teachers' certificates for one, two, three, five, and eight years from the day of the examination; and said certificates shall be valid within the district wherein they are issued. All teachers' certificates granted for one, two, or three years, shall be regarded as provisional certificates and shall be issued only in compliance with such reasonable regulations and standard and upon such ratios as the board may adopt, but no such certificate shall be renewed except upon examination; provided, that when any teacher holding a two year certificate and having for the last five years preceding been continuously engaged in teaching in the same county, said teacher shall be entitled to have his or her certificate renewed by passing an examination in theory and practice; all certificates granted for five years, or eight years, shall be regarded as professional certificates and shall be renewable without examination at the discretion of the examining board, if for three years next preceding the date of the application the holders thereof shall have been engaged in teaching, not less than twelve months of such time being spent in the same district and the board being satisfied as to the moral character and the professional attainments of the holders thereof. No certificate shall be issued to any person who is less than eighteen years of age; and if at any time the recipient of a certificate be found intemperate, immoral, incompetent, or negligent, the examiners, or any two of them, may

Granting and
revocation of
certificates.

Investigation of teachers.

revoke the certificate; but such revocation shall not prevent a teacher from receiving pay for services previously rendered; and before any hearing is had by a board of examiners on the question of the revocation of a teachers' certificate, the charges against the teacher shall be reduced to writing and placed upon the records of the board, and the teacher shall be notified in writing as to the nature of the charges and the time set for the hearing, such notice to be served either personally or at his residence, and the teacher shall be entitled to produce witnesses and defend himself; the examining board shall have power to send for witnesses and examine them on oath touching the matter under investigation, and said oath or affirmation may be administered by any member of the board of examiners.

Kinds of certificates authorized to be issued.

Sec. 4082. The provisions of section forty hundred and seventy-four of the Revised Statutes of Ohio relating to the kinds of certificates authorized to be issued by the county boards of school examiners for teachers in elementary schools and high schools, and for superintendents shall apply to city boards of school examiners; provided that city boards of school examiners may, in their discretion, require teachers in elementary schools to be examined in drawing, music, or German if such subjects are a part of the regular work of such teachers.

Proviso.**Compensation of members and clerk of city board of school examiners; incidental expenses.**

Sec. 4083. Each city board of education shall fix the compensation of the members of the city board of school examiners and the additional compensation of the clerk of the board, and the person or persons called to their assistance, furnish the necessary books, blanks and stationery for their use, and designate a school building within the district in which they shall conduct examinations, and to cause such building to be lighted and heated if necessary; and such compensation, and the incidental expenses incurred on account of the city board of school examiners, shall be paid, by order of the board of education, from the contingent fund of the district.

Duties of clerk of city board of school examiners.

Sec. 4084. The clerk of the city board of school examiners shall keep a record of the proceedings of the board, and such statistics as the state commissioner of common schools may require, and in the form and manner he may require, and shall report such statistics to the commissioner annually, on or before the first day of September; he shall pay the examination fees received by him to the treasurer of the district within ten days after each meeting, and at the same time file with the clerk of the board of education a written statement of the amount, and also a statement of the number of applicants, male and female, examined, and the number of certificates granted, and for what terms; and the fees paid to the treasurer of the district shall be applied to the support of teachers' institutes, as provided in chapter thirteen.

Disposition of examination fees.

Sec. 4085. All manuscripts filed as answers to questions propounded to any applicant appearing before any county or city board of school examiners, shall be promptly considered and passed upon by said board together with the results of oral tests if any and such other information which may come to said board touching the fitness of any applicant for teaching in the public schools; and said board shall promptly issue all certificates granted to successful applicants and send notices of failure to those who fail in the examination, if such there be. All such manuscripts shall be kept on file for sixty days by the members of the examining board propounding the questions, and if within the sixty days any applicant after receiving his returns from the examination has cause to and does believe that he has been discriminated against and his manuscripts unfairly graded, it shall be his right to review his manuscripts with the member or members of the board having the same in charge, and if after such inspection and review of the manuscripts, he is still of the opinion that said board will not correct the error, if any, and issue his certificate, he shall have the right to appeal his case to the state commissioner of common schools for final review. Such appeal shall be in the form of an affidavit setting forth the facts as he believes them, accompanied by a fee of one dollar to cover the expenses incident to said appeal, and requesting that the matter be inquired into; thereupon the said commissioner shall require the clerk of said board to procure and forward said manuscripts, together with a full explanation of the reasons for the board's action, and if upon his examination of all the facts, together with the manuscripts, he finds that said applicant was denied a certificate when he should have been granted one and has been discriminated against by the board, he shall order the board forthwith to issue a certificate of the date of the teachers' examination attended by said applicant and indicate the length of time said certificate shall be valid, but if upon inspection of the manuscripts and reviewing the facts submitted he shall conclude that no injustice has been done, he shall so notify the applicant and the clerk of the board of examiners.

Consideration of applicants' answers to questions propounded; issue of certificates or notice of failure.

Manuscripts to be placed on file.

Applicant's right of appeal.

Sec. 4091. All teachers of the public schools within any county in which a county institute is held may dismiss their schools for one week for the purpose of attending such institute, and when such institute is held while the schools are in session the boards of education of all school districts are required to pay the teachers of their respective districts their regular salary for the week they attend the institute upon the teachers presenting a certificate of full regular daily attendance at said institute signed by the president and secretary thereof; the same to be paid as an addition to the first month's salary after said institute by the board of education by which said teacher is then employed, or in case he is unemployed at the time of the institute, then by the board next employing said teacher, provided the term of said employment begins within three months after said institute closes.

Teachers' institutes: teachers may dismiss school to attend institute.

Institutes for
city districts.

Sec. 4092. The board of education of each city school district may provide for holding an institute yearly, for the improvement of the teachers of the common schools therein; and general meetings of the teachers of any such city district held upon not less than four days in any year, whether consecutive days or not, for the purposes of instruction, shall be deemed to constitute a teachers' institute for said city district within the meaning of this section; the expenses of such institute shall be paid from the institute fund provided for by section forty hundred and eighty-four; and in addition to this fund the board of education of any district may expend annually, for the instruction of the teachers of said district in an institute or in such other manner as it may prescribe, a sum not to exceed five hundred dollars, the same to be paid from its contingent fund; if the board of any district do not provide for such institute in any year, it shall cause the institute fund in the hands of the district treasurer for the year to be paid to the treasurer of the county wherein the district is situated, who shall place the same to the credit of the county institute fund, and the teachers of the schools of such district shall be entitled, in such case, to the advantages of the county institute, subject to the provisions of the preceding section; and the clerk of the board shall make the report of the institute required by section forty hundred and ninety-four.

Length of
session; report
to state
commissioner.

Sec. 4094. All institutes held under the provisions of this chapter shall continue at least four days; and a report of the institute held in pursuance of the provisions of section forty hundred and ninety-two shall be made to the state commissioner of common schools within five days after the adjournment thereof, which shall state the number of teachers in attendance, the names of the instructors and lecturers, the total expenses of the institute, and the portion thereof paid from institute funds, and such other information relating to the institute as the commissioner may require.

County treasurer may make
advance payments to local
authorities.

Sec. 1123. Whenever the local authorities so request, the county auditor may draw, and the county treasurer shall pay on such draft to township, city and village treasurers, and the treasurer of any board of education, from June twentieth and December twentieth to the date of the semiannual distribution, each year, any sum not exceeding two-thirds of the current collection of taxes for such local authorities, respectively, in advance of the semiannual settlements.

Titles to
chapters of
Revised Stat-
utes changed.

SECTION 2. That the titles to chapters 2, 3, 4 and 5 of title III, part second of the Revised Statutes of Ohio be changed to read as follows:

CHAPTER 2.

CITY SCHOOL DISTRICTS.

CHAPTER 3.

VILLAGE SCHOOL DISTRICTS.

CHAPTER 4.

TOWNSHIP SCHOOL DISTRICTS.

CHAPTER 5.

SPECIAL SCHOOL DISTRICTS.

And the former titles to said chapters are hereby abolished.

SECTION 3. All existing officers of boards of education and school councils shall hold their respective offices until boards of education are elected and organized under the provisions of this act; but no officer elected or appointed to fill a vacancy occurring in any such office shall be appointed to serve for a longer period than that ending on the 31st day of August, 1905.

Existing officers to remain in office until successors are elected and qualified.

SECTION 4. That sections 3885, 3886, 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3897a, 3898, 3898a, 3898a (2), 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3920, 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3941a, 3942, 3943, 3944, 3945, 3946, 3946a, 3947, 3948, 3950, 3958, 3958a, 3958-1, 3958-2, 3959, 3960, 3961, 3961a, 3962, 3963, 3964, 3967, 3968, 3969, 3972, 3975, 3977, 3978, 3980, 3981, 3982, 3985, 3988, 3989, 3991, 3992, 3993, 3994, 3994a, 3994b, 3994c, 3994d, 3995, 3996, 3997, 3998, 4007, 4007-1, 4009a, 4009b, 4013, 4015, 4017, 4017a, 4018, 4019, 4021, 4022a, 4022-2, 4031, 4032, 4034, 4035, 4036, 4038, 4039, 4042, 4043, 4047, 4047a, 4048, 4052, 4053, 4055, 4056, 4059, 4069, 4070, 4071, 4071a, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4091, 4092, 4093, 4094, 1122a, and 1123 of the Revised Statutes of Ohio, and

Repeals.

Section 1 of an act entitled, "An act to supplement section 4009 of the Revised Statutes by enacting supplemental section 4009-21," passed February 7, 1902;

Section 1 of an act entitled, "An act to supplement 4009-20 of the Revised Statutes of Ohio, by adding section 4009-21," passed May 2, 1902;

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of an act entitled, "An act to create a pension fund to provide for the pensioning of teachers in city districts of the second grade of the first class," known as sections 3899-24a, to 3899-24p inclusive, of the Revised Statutes of Ohio, passed April 10, 1900;

Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act entitled, "An act to provide for the centralization of township schools and provide a high school for the same," known as section 3927-5 of the Revised Statutes of Ohio, passed April 16, 1900, as amended May 12, 1902;

Section 1 of an act entitled, "An act to authorize boards of education in cities of the second grade of the first class to levy a tax for certain purposes therein specified," passed March 16, 1887;

Repeals.

Section 2 of an act entitled, "An act to amend section 3885 and section 3886 of the Revised Statutes of Ohio as amended March 10, 1898," passed April 21, 1898;

An act entitled, "An act to provide for the organization of boards of education in city districts of the second grade of the first class," passed March 8, 1892, as amended May 21, 1894, March 13, 1896, April 12, 1892, March 30, 1898, March 6, 1902, April 10, 1900;

An act entitled, "An act to provide for the reorganization of boards of education in city districts of the third grade of the first class," passed March 25, 1898, as amended April 23, 1898;

An act entitled, "An act to authorize school boards to convey lands in certain cases," passed March 18, 1887;

An act entitled, "An act to create a sinking fund to provide for the payment of the bonded indebtedness of boards of education in city districts of the second grade of the first class," passed March 17, 1893;

An act entitled, "An act to create a sinking fund to pay bonded indebtedness in certain school districts," passed April 27, 1896;

An act entitled, "An act to provide for the manner in which moneys set aside by boards of education of city school districts of the first class for sinking fund purposes may be invested in bonds of its own issue," passed April 25, 1902;

An act entitled "An act authorizing school districts managed by boards of education, or school councils to establish and maintain day schools for the deaf and authorizing payment therefor from state common school funds," passed April 23, 1898, as amended March 5, 1902;

Sections 1, 2, 3, 4, 5, and 6 of an act entitled "An act to empower township boards of education to establish township or joint township high schools and to discontinue subdistrict schools when too small to justify their continuance," passed April 25, 1898, as amended May 9, 1902;

An act entitled "An act to supplement an act entitled 'An act to authorize boards of education in cities of the second grade of the first class and to levy a tax for certain purposes therein specified'," passed March 18, 1887, passed March 30, 1892;

An act entitled, "An act authorizing boards of education in cities of the first grade of the second class to establish manual training schools and to provide for their equipment and maintenance," passed April 14, 1888;

An act entitled, "An act providing for life certificates of teachers in city districts of the first grade of the first class," passed March 29, 1900; be and the same are hereby repealed, and also all acts or parts of acts inconsistent herewith.

An act entitled, "An act to secure a voice in school affairs to the women of Ohio on equal terms with men," passed April 24, 1894;

An act entitled, "An act to provide for village and special school districts in Hamilton county," passed April 5, 1883;

An act entitled, "An act to authorize boards of education in city districts of the first grade of the first class to issue bonds for school purposes where additional territory is annexed," passed April 16, 1900; Repeals.

An act entitled, "An act to provide for public day schools for the deaf in the city districts of the first and second grades of the first class," passed April 21, 1898;

GEORGE T. THOMAS,
Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.

214G

[Senate Bill No. 272.]

AN ACT

To amend sections five, six, seven and eight of an act entitled, "An act to require corporations to file annual reports with the secretary of state and to pay annual fees therefor," passed and took effect April 11, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5, 6, 7 and 8 of an act entitled "An act to require corporations to file annual reports with the secretary of state and to pay annual fees therefor," passed and took effect April 11, 1902, be so amended as to read as follows: Franchise tax on corporations:

Sec. 5. The fees required to be paid by sections 1 and 2 of this act, shall be the first and best lien on all property of the corporation, whether such property is employed by the corporation in the prosecution of its business or is in the hands of an assignee, trustee or receiver for the benefit of the creditors and stockholders of such corporation. And in case any corporation required to file the report and to pay the fee, prescribed in sections 1 and 2 of this act, shall fail or neglect to make such report or pay such fee within the period prescribed in said sections respectively, shall be subject to a penalty of fifty per cent. (50%) of the amount of the fee required to be paid by such corporation, together with an additional penalty of ten dollars (\$10.00) per day for each day's omission after the time limited in this act for filing such report and paying such fee. Such penalty and the annual fee or fees to be paid by the provisions of sections 1 and 2 of this act may be recovered by an action in the name of the state, and on collection paid into the treasury to the credit of the general revenue fund. Required fees shall be first and best lien.

Penalty for failure to make report or pay fee.

How penalty recovered.

The attorney-general, on request of the secretary of state, shall institute such action in the court of common pleas of Franklin county, or of any county in the state in which such corporation has an office or place of business, as he prefers.

**Remission of
penalty.**

The governor, secretary of state and attorney-general, upon good cause shown, may, in their discretion, remit the penalty or any part thereof, prescribed in this section.

**Forfeiture of
charter.**

In case any corporation required to file the report and pay the fee prescribed in section 3 of this act shall fail or neglect to make such report or pay such fee for three months after the expiration of the time limited by this act, and such fault is wilful and intentional, the attorney-general shall, on the request of the secretary of state, bring an action in the court of common pleas of Franklin county, or of any county in this state in which such corporation is located, to forfeit and annul the charter of such corporation, and if such court is satisfied that such default is wilful and intentional, the court is authorized to revoke and annul such charter.

**Secretary of
state to keep
list of corpo-
rations subject
to tax.**

Sec. 6. It shall be the duty of the secretary of state to prepare and keep a correct list of all corporations subject to the provisions of this act and engaged in business within the state of Ohio. And for the purpose of obtaining the necessary information, the secretary of state or other person deputed by him shall have access to the records of the offices of the county auditors of the state.

**Duty of
county auditor.**

Any county auditor shall, upon request of the secretary of state, furnish him with such information as is shown by the records of his office concerning corporations located within his county, and subject to the provisions of this act. The secretary of state, or any person deputed by him for the purpose of determining the amount of fees due from such corporation, shall have authority to investigate and determine the facts showing the proportion of the authorized capital stock of the company represented by its property and business in Ohio.

**Hearing by
secretary of
state and ap-
peal from de-
cision thereof.**

Any corporation shall have the right to be heard by the secretary of state upon the question of the amount of fees due, and if aggrieved by the decision of the secretary of state, may within ten days appeal to the auditor of state, treasurer of state and attorney-general, whose decision in the matter shall be final.

**Certain corpor-
ations ex-
cepted from
the provisions
of this act.**

Sec. 7. Provided that electric light, gas, natural gas, waterworks, pipe line, street railroad, electric interurban railroad, steam railroad, messenger, union depot, express, freight line, sleeping car, [telegraph], telephone and other public service corporations required by law to file annual reports with the auditor of state, and insurance, fraternal beneficial, building and loan, bond investment, and other corporations required by law to file annual reports with the superintendent of insurance, shall not be subject to the provisions of the preceding sections of this act. Provided further, that a corporation shall not be required to file its first annual report under this act until the proper month hereinbefore provided for the filing of such report, next following the expiration of six months from the date of its incorporation or admission to do business in this state.

**First report
of newly or-
ganized corpo-
ration; when
to be filed.**

Sec. 8. Every domestic corporation in case of dissolution, or revocation of its charter shall file with the secretary of state a certificate of such dissolution or revocation of its charter; in case of dissolution by voluntary action of the corporation such certificate shall be signed by the president and secretary of the corporation.

Certificate of dissolution, or revocation to be filed with secretary of state.

In case of dissolution or revocation of charter by action of a competent court, or the winding up of a corporation either domestic or foreign, by proceedings in assignment or bankruptcy, such certificate shall be signed by the clerk of the court in which such proceedings were had and the fees for making and filing such certificate shall be taxed as costs in the proceeding and paid out of the funds of the corporation, and shall have the same priority as other costs.

Every foreign corporation when it shall retire from business in this state is hereby required to file with the secretary of state a certificate to that effect, signed by the president and secretary of the corporation.

Foreign corporations retiring from state shall file certificate to that effect.

The fee for filing certificates of dissolution, revocation of charter, or retirement of corporations, for profit, shall be five dollars (\$5.00); for filing such certificates of corporations, not for profit, one dollar (\$1.00). Provided that the charter of a corporation which is shown to have been no longer in active existence at the time of the passage of this act, may be surrendered on the payment of one dollar (\$1.00), on proof as otherwise provided by law.

Fees for filing such certificates.

Surrender of charter of corporation not in active existence at time of passage of this act.

The mere retirement from business or voluntary dissolution of a domestic or foreign corporation without having filed the certificate provided for in this section, shall not exempt it from the requirements to make reports and pay fees in accordance with the provisions of this act.

Mere retirement from business or voluntary dissolution of corporation shall not exempt it from provisions of this act.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

215G

[Senate Bill No. 165.]

AN ACT

To amend section 1762 of the Revised Statutes of Ohio, relating to the duties of clerks of municipal corporations where there is no city auditor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1762 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 1762. In corporations in which there is no city auditor, the clerk shall perform the duties of auditor, under the direction of the council, and such other duties pertain-

Municipal corporations:

When clerk shall perform duties of auditor, etc.

ing to his office as may be prescribed by the council; and he shall have the charge and custody of the laws and ordinances, and the books, records, and papers of the corporation, and shall carefully keep and preserve them in his office, and shall prepare and certify all transcripts that may be required of any record or paper in his office, and shall be entitled to receive therefor the same fees as other officers for similar services.

Repeals.

SECTION 2. That section 1762 of the Revised Statutes of Ohio be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
216G

[Senate Bill No. 231.]

AN ACT

To supplement section 73 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," relating to assessments.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations:

SECTION 1. That section 73 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," known as the municipal code, 96 v. 20, passed October 22, 1902, be supplemented by supplementary section with sectional numbering as follows:

Assessment of cost for construction or repair of sidewalks, curbing or gutters; how paid.

Sec. 73a. When sidewalks, curbing or gutters are constructed or repaired in accordance with the section to which this section is supplementary, the assessment for the cost thereof may be made payable in full not less than thirty nor more than sixty days from the levy thereof or in not exceeding five annual installments, as council may determine. In anticipation of the collection of said assessments bonds of the municipal corporation may be issued bearing interest not exceeding six per cent. per annum and the proceeds thereof used in the payment of the cost incurred by reason of such construction or repair. In the passage of the resolution declaring that certain specified sidewalks, curbing or gut-

ters shall be constructed or repaired and in all the subsequent procedure necessary to secure the construction or repair of sidewalks, curbing or gutters, and collect the assessment therefor, sidewalks, curbing or gutters, although upon different streets and abutting upon lots or land owned by different persons, may be provided for in the same resolution, notice, contract, and ordinance or other step in such procedure.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
217G

[Senate Bill No. 223.]

AN ACT

To amend section 225 of an act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith, passed October 22, 1902, providing for the compulsory attendance of witnesses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 225 of an act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith, passed October 22, 1902, be amended so as to read as follows:

Municipal
corporations:

Sec. 225. It is hereby made the duty of the mayor to have a general supervision over each department and the officers provided for in this act, and where the mayor has reason to believe that the head of any department or officer provided for in this act has been guilty in the performance of his official duty of bribery, misfeasance, malfeasance, nonfeasance, misconduct in office, or any gross neglect of duty, gross immorality or habitual drunkenness, he shall immediately file with the council written charges against said head of department or officer, setting forth in detail a statement of such alleged bribery, misfeasance, malfeasance, nonfeasance, misconduct in office, gross neglect of duty, gross immorality or habitual drunkenness, and he shall serve or cause to be served at the time of the filing of said charges or as soon thereafter as possible, a true copy of such charges with the head of the department or officer against whom said charges

Impeachment
of head of
department
or officer.

are made, and may serve the same in person or by leaving a copy of said charges at the office of the head of such department or officer and make due return to council of such service as is provided for the return of the service of summons in a civil action. Said charges when so filed with council shall be for hearing at the next regular meeting of council, unless council shall extend the time for the hearing of the same, which shall only be done on the application of the accused. The accused shall have the right to appear in person and by counsel and examine all witnesses and answer all charges against him; and the judgment or action of council shall be final provided that it shall require the votes of two-thirds of all members elected to council to remove such officer. Pending any of said proceedings such head of department or officer may be suspended by a majority vote of all members elected to council, but such suspension shall not be for a longer period than fifteen days unless the hearing of said charges shall be extended upon the application of the accused, and in such event the suspension shall not exceed a period of thirty days. Provided, that for the purpose of investigating charges against the head of any department or officer as aforesaid, the council, shall have power to issue subpoenas, or compulsory process to compel the attendance of persons and the production of books and papers before the council, and shall have power to provide by ordinance for exercising and enforcing this provision. And provided further that in all cases in which the attendance of witnesses may be compelled for the investigation of any charges as aforesaid, any member of the council shall have power to administer the requisite oaths; and such council shall have such power to compel the giving of testimony by the attending witnesses as is conferred on courts of justice. In all such cases witnesses shall be entitled to the same privileges, immunities and compensation as are allowed witnesses in civil cases, and the costs of all such proceedings shall be payable out of the general fund of the municipal corporation.

Repeals.

SECTION 2. That said original section 225 as enacted October 22, 1902, is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

218G

[Senate Bill No. 275.]

AN ACT

To amend section (1536-816) 1796 of the Revised Statutes of Ohio, relating to interpreter for the police court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1796 of the Revised Statutes of Ohio be amended to read as follows:

Municipal corporations:

Sec. 1796. The business of the court shall be dispatched with all speed consistent with a full, fair trial or hearing of the cases. In cities where there is more than one police judge—the judges of the police court may appoint an interpreter for said court—and in case they fail to agree, the clerk of said court may appoint an interpreter for said court for the term of two years who shall receive as compensation fifteen hundred dollars per year.

Interpreter for police court; appointment, term, compensation, etc.

Said interpreter shall attend all sessions of said court and obey all orders of the judges of said court; he shall receive no fees while acting in the capacity of interpreter and said judges shall have power for adequate cause to remove said interpreter.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

219G

[House Bill No. 61.]

AN ACT

To amend section 2533 of the Revised Statutes of Ohio, relating to the election of cemetery trustees in case of union.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2533 of the Revised Statutes of Ohio be amended so as to read as follows:

Cemeteries:

Sec. 2533. When two such bodies unite for cemetery purposes as provided in the preceding section, the municipal corporation or township having the larger number of voters at the last preceding annual election for corporation or township officers, shall elect two trustees, one trustee for one year, and one trustee for two years, and the other corporation or township shall elect one trustee for three years, and that at the expiration of their respective terms their successors shall be elected for a term of three years. When three such bodies unite for such purposes each of such corporations or townships shall be entitled to one trustee,

Election of trustees in case of union.

and when four or more such bodies unite for such purposes, the three corporations or townships having the largest number of voters respectively shall each elect one trustee, and at the next annual election the corporation or township, the term of whose trustee expires, shall not be entitled to a trustee, but the corporation or township standing fourth in the number of voters shall be entitled to a trustee, and so on in rotation, so that each corporation or township shall be without a trustee at regular intervals corresponding with the number of corporations or townships that may be united in the provisions of this chapter, and all vacancies in said board shall be filled by the council of such corporation or corporations and the trustees of such township in joint session convened for that purpose.

Repeals.

SECTION 2. That original section 2533 be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April —, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

220G

[House Bill No. 409.]

AN ACT

To amend section 154 of an act entitled "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of the state of Ohio," passed October 22, 1902, to authorize boards of public safety to purchase lands and erect buildings.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations:

SECTION 1. That section 154 of the act entitled "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of the state of Ohio," passed October 22, 1902, be and the same is hereby amended so as to read as follows:

Contracts relative to police or fire department.

Sec. 154. The directors of public safety shall have power to make all contracts and expenditures of money for acquiring lands for the erection or repairing of station houses, and for the erecting and building of all station houses, police stations, fire department buildings, fire cisterns, and plugs that may be required, and for the purchase of engines, apparatus, and all other supplies necessary for the police and fire departments; provided, that no obligation involving an expenditure of more than five hundred dollars shall be created except upon the approval of the

city council and by written contract which shall be awarded to the lowest and best bidder after advertising for ten days in a newspaper of general circulation in the city. They shall make no sale or disposition of any property belonging to the city without first being authorized by resolution or ordinance of the city council.

SECTION 2. That said original section 154 as passed October 22, 1902, be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.

221G

[House Bill No. 465.]

AN ACT

To provide aid for the support of normal schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of any township in the state of Ohio, in which a normal school is organized and conducted or may be established hereafter, are authorized to levy annually a tax, not exceeding two mills on the dollar upon all the taxable property of the township for the purpose of aiding in the support of such normal school.

Trustees of township in which a normal school is situated authorized to levy tax for purpose of aiding such school.

SECTION 2. Before the tax may be levied, the question of making a levy for the purpose named in section 1, herein, shall be submitted to the qualified electors of the township, at a special or general election to be held in such township, due notice of which shall be given at least twenty days prior to the election, by publication in some newspaper of general circulation in the township; and provided a majority of the votes cast at such election upon said question of tax levy is in favor of levying a tax, then the trustees of the township thereafter shall make the levy annually and report the same to the county auditor for collection as other taxes, and when collected, to [be] paid over to the duly qualified and acting treasurer of the board of trustees of such normal school.

Question to be submitted to vote.

SECTION 3. At any time after four years from the date of an election held in accordance with the provisions of section 2 of this act, another election may be petitioned for and shall be ordered by the trustees of the township, provided the petition shall be signed by at least forty per cent. of the qualified electors of the township.

When another election may be held.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.

222G

[House Bill No. 93.]

AN ACT

To amend sections 3258 and 3258a of the Revised Statutes of Ohio, relating to corporations.

Be it enacted by the General Assembly of the State of Ohio:

Corpora-
tions:

SECTION 1. That sections 3258 and 3258a of the Revised Statutes of Ohio be amended so as to read as follows:

Stockholders
liable in an
amount equal
to their stock.

Sec. 3258. The stockholders of a corporation who are the holders of its shares at a time when its debts and liabilities are enforceable against them, shall be deemed and held liable, equally and ratably, and not one for another, in addition to their stock, in an amount equal to the stock by them so held, to the creditors of the corporation, to secure the payment of such debts and liabilities; and no stockholder who shall transfer his stock in good faith, and such transfer is made on the books of the company, or on the back of the certificate of stock properly witnessed or tendered for transfer on the books of the company prior to the time when such debts and liabilities are so enforceable, shall be held to pay any portion thereof. Provided, however, that the above provisions of this section shall not apply to stockholders in any corporation created after the twenty-third of November, 1903, nor shall it apply to any debts or liabilities of any corporation incurred after said date; and as to all debts and liabilities of corporation for profit incurred after said date, the stockholders of said corporations shall be under no liabilities other than those stated in article XIII, section three, of the constitution of Ohio.

Section
shall not
apply to corpo-
rations created
subsequent to
Nov. 23, 1903.

Within what
time action
may be
brought to en-
force such li-
ability.

Sec. 3258a. An action upon the liability of stockholders under the last preceding section, can only be brought within eighteen months after the debt or obligation shall become enforceable against stockholders.

Repeals.

SECTION 2. That said sections 3258 and 3258a of the Revised Statutes of Ohio be and the same are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
223G

AN ACT

To amend section 3573 of the Revised Statutes of Ohio, relative to cemeteries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That said section 3573 of the Revised Statutes be amended so as to read as follows:

Cemetery
associations:

Appropriation of lands
by cemetery
associations.

Sec. 3573. If it be necessary to acquire any lands by appropriation, such proceedings shall be taken therefor as are provided for the appropriation of property to the use of corporations; but no lands shall be so appropriated until the probate court is satisfied that suitable premises can not be obtained by contract upon reasonable terms, and no lands shall be appropriated upon which there is any dwelling house, barn, stable or other farm buildings, or upon which there is any orchard or nursery, or any valuable mineral or other medicinal spring, or any well actually yielding oil, or salt water, unless the same shall adjoin a cemetery already located and used, on the same or opposite side of a public highway; nor shall any land be appropriated nor any cemetery located, whether it is being established by an association incorporated for cemetery purposes or by benevolent or religious societies, within two hundred yards of any dwelling house, unless the owner of such dwelling house gives his consent, or unless the entire tract be so appropriated as a necessary addition to or enlargement of a cemetery already located and used; provided, however, that the limit shall not be less than one hundred yards where it is sought to appropriate for cemetery purposes property adjoining a cemetery already located and used, when such dwelling house has been erected subsequently to the laying out and establishing of such cemetery; but in all municipal corporations where the cemetery lies within or adjoins a municipal corporation, the association may, without such consent, appropriate property within one hundred feet, or the width of a street or alley, of any dwelling house. The provisions of this section shall not be applicable to any corporation or cemetery association, owning a cemetery of less dimensions than five acres and situate within one mile of, or adjoining the corporate limits of any municipal corporation.

SECTION 2. That said original section 3573 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

224G

[House Bill No. 516.]

AN ACT

To amend section 3427 of the Revised Statutes of Ohio, providing for the appointment of special police.

Be it enacted by the General Assembly of the State of Ohio:

Railroad
companies :

Appointment
of railroad po-
lice; their
qualifications,
term of office,
and revocation
of commission.

SECTION 1. That section 3427 of the Revised Statutes of Ohio be amended so as to read as follows :

Sec. 3427. The governor, upon the application of a company, owning or using any railroad, street railroad, suburban or interurban railroad, in this state may appoint and commission such persons as the company may designate, or as many thereof as he may deem proper, to act as policemen for and upon the premises of such railroad or elsewhere, when directly in the discharge of their duties for such railroad; and all policemen so appointed shall be citizens of the state of Ohio, and men of good character, and said policemen shall hold their office for three years, unless their commission be revoked by the governor for good cause shown, or by the railroad company as provided by section 3432 of the Revised Statutes. Provided that no more than one such policeman shall be so appointed for each five miles of such street railroad, suburban or interurban railroad.

Repeals.

SECTION 2. That said original section 3427 be and is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
225G

[House Bill No. 211.]

AN ACT

To provide relief for worthy blind.

Be it enacted by the General Assembly of the State of Ohio:

County shall
contribute
toward support
of worthy
blind.

SECTION 1. That it shall be the duty of every county to contribute such sum or sums of money from the poor or general expense fund toward the support of every worthy blind person free from vicious habits, as hereinafter provided.

Who entitled
and in what
amount.

SECTION 2. That all male blind persons over the age of twenty-one years, and all female blind persons over the age of eighteen years, who are declared blind in the manner hereinafter set forth, and have no property or means with which to support themselves, shall be entitled to, and receive,

not more than twenty-five dollars per capita quarterly, and that the probate judge shall authorize the auditor to issue warrants for the amounts due such persons.

SECTION 3. The said blind persons must be bona fide residents of the state of Ohio for five years, and in their respective county one year. Under no condition or circumstance shall the said beneficiary lose his or her benefits or residence by or through removal to any home or institution for the blind not maintained by the state or county.

As to residence of such blind person.

SECTION 4. All persons claiming the benefits provided herein shall appear before the probate judge and make affidavit to the facts which bring him or her within the provisions of this act. Not less than two [reputable] respectable citizens of the county, one of whom shall be a [reputable] respectable physician selected by the court, and shall be required to give testimony that they have known the applicant to be a resident of the state of Ohio for five years continuously last past, and of the county one year preceding the filing of the application; and give oral testimony to satisfy the court that such person is blind, not from any vicious habit of his own, and unable to maintain himself, which facts the court shall be satisfied are true, and so find and enter on his journal.

Hearing before probate court.

Providing the right to any taxpayer of the county to at any time, on giving bond to cover costs, to a rehearing of such matter on motion and notice, and if such finding is not set aside, right of appeal may be had as in other cases.

SECTION 5. The probate judge shall register the name and address of each of the applicants who have been so determined to be entitled to the said benefits, and grant to each beneficiary a certificate, giving the name and address, and the amount due him or her quarterly. On and after the 1st of each quarter payment shall be made to said beneficiary upon presentation of such certificate, either personally or through the United States mail. When coming through the United States mail the said certificate must be accompanied by affidavit that said beneficiary is living, and said disability has not been removed, and stating address.

Judge shall give beneficiary a certificate.

SECTION 6. It shall be the duty of the probate judge to certify to the county commissioners a list of all the persons registered under the provisions of this act; and it shall be the duty of the county commissioners of each county in the state of Ohio to provide in the annual appropriations for the payment of all claims of persons so entitled to said benefit, and who have complied with the provisions of this act; and the probate judge shall authorize the auditor to issue warrants on the county treasurer to be drawn, properly endorsed, payable to the persons who come within the provisions of this act each quarter in each year during the life of said beneficiary, or until the disability is removed.

Judge shall certify list to county commissioners; their duty.

SECTION 8. That said original sections 1491a, of the Revised Statutes, as passed April 26, 1898, O. L., 93, page

Repeals.

270; and section 1491b, passed May 12, 1902, O. L. 95, page 564, be and the same are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
226G

[House Bill No. 502.]

AN ACT

To amend section 5227 of the Revised Statutes of Ohio, and provide for the manner of appeal to the circuit court.

Be it enacted by the General Assembly of the State of Ohio:

Trial on
appeal:

SECTION 1. That section 5227 of the Revised Statutes of Ohio, passed October 22, 1902, (96 O. L., page 12), be amended to read as follows:

Notice of
appeal to
circuit court
and undertak-
ing therefor.

Sec. 5227. A party desiring to appeal his cause to the circuit court shall, within thirty days after the judgment or order is entered on the journal of the court, give an undertaking with sufficient surety, to be approved by the clerk of the court or a judge thereof, as hereinafter provided, and in such amount as is required or fixed by the provisions of section 5230 of the Revised Statutes of Ohio.

Repeals.

SECTION 2. That said section 5227 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall apply to all pending cases.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
227G

[Senate Bill No. 193.]

AN ACT

To amend section 5930 of the Revised Statutes of Ohio, relating to the probating and recording of wills.

Be it enacted by the General Assembly of the State of Ohio:

Wills:

SECTION 1. That section 5930 of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 5930. Every will when admitted to probate shall be filed in the office of the probate judge and recorded, together with the testimony, by said judge or his clerk in a book which shall be kept by him for that purpose, and when such will is admitted to probate which devises real estate situated in the county where such will is recorded, or when the certified copy of a will is filed in the probate court pursuant to section 5932-5938 and 5940 which devises real estate in the county where the same is recorded, upon the recording of such will in the probate court, the court shall immediately transmit to the recorder of the county in which said will is recorded, a certificate containing the fact of such filing and probate, the name of the testator, the name of the devisees of the real estate, and a description of the real estate such as is contained in the will recorded and separately state with each parcel the name of the devisees of the same, together with the volume and page of the record of the will certified. Upon receipt of said certificate, the recorder shall record the same in the books provided for the recording of deeds and index such record in the name of the testator as grantors and the devisees as grantees, in the index provided for the record of deeds, for which recording and indexing, the recorder shall receive the fees provided by law for the recording and indexing deeds, and the probate judge shall be allowed the same fees as provided for by law for similar certificates, which fees of recorder and probate judge shall be by the probate judge taxed in the costs of probating and recording of such will, and collected as other costs.

Filing and recording, by probate judge.

Record by county recorder.

SECTION 2. That section 5930 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

228G

[Senate Bill No. 18.]

AN ACT

To regulate the manufacture and sale of commercial feed stuffs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Every manufacturer of commercial feed stuffs, and every person, firm or company that shall sell, offer for sale or expose for sale the same in this state, shall furnish with each car or other amount shipped in bulk, and shall affix to every package of such commercial feed stuffs,

Packages of commercial feed stuffs to be labeled; what label to contain.

in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the shipment, or in each package containing such commercial feed stuffs, the name or trade mark under which it is sold, the name of the manufacturer or shipper, the place of manufacture or the place of business of the shipper and a chemical analysis stating the percentage it contains of crude protein (allowing one per centum of nitrogen to equal six and one-fourth per centum of protein), crude fat and crude fiber.

Copy of label and sample of feed stuffs to be filed with secretary of state board of agriculture.

SECTION 2. Before any commercial feed stuffs shall be sold or offered for sale in Ohio, the manufacturer, shipper, company, firm or person who causes it to be sold or offered for sale, within the state, shall file with the secretary of the Ohio state board of agriculture a certified copy of the certificate referred to in section 1 of this bill, and shall deposit with said secretary a sealed glass jar or bottle containing not less than one pound of the said stuffs, sold or offered for sale, accompanied by an affidavit that it is a fair average sample.

License and fee therefor.

SECTION 3. The manufacturer, importer or agent of any commercial feed stuff, shall pay annually, on or before the first day of March, a license fee of \$25.00 on each brand, for the privilege of selling or offering for sale within the state, said fee to be paid to the secretary of the Ohio state board of agriculture, provided: That whenever the manufacturer or importer shall have paid the license fee herein required, any person, company or firm selling, or offering for sale, any commercial feed stuff, or acting as agent for such manufacturer or importer, shall not be required to pay the fee named in this section. On receipt of proper application for license, with license fee, the secretary of the Ohio state board of agriculture shall issue license for the current year; all licenses shall expire with the calendar year, December 31st.

"Commercial feed stuffs" defined.

SECTION 4. The term "commercial feed stuffs" as used in this act shall include linseed meal, cotton seed meal, pea meal, cocoanut meal, rice meal, gluten meal, gluten feeds, dried brewers' grain, malt sprouts, hominy feeds, cerealine feeds, oats feeds, mixed feeds, and all materials of similar nature; but shall not include hay, straw, whole seeds, the mixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn, wheat, bran or middlings not mixed with other substances, but sold separately as distinct articles of commerce, and pure grains mixed and ground together.

Under whose direction analysis to be made and how paid for.

SECTION 5. All analysis of commercial feed stuffs sold within the state shall be made by, or under the direction of, the secretary of the Ohio state board of agriculture, and paid for out of the funds arising from license fees provided for in section 3 of this act. At least one analysis of each brand of commercial feed stuffs shall be made annually, if samples can be found in possession of agents, dealers, or consumers.

SECTION 6. Any manufacturer, company, firm, agent or dealer, who shall sell or offer for sale, or expose for sale, any commercial feed stuffs in this state, without complying with the requirements of this act, or shall sell or offer or expose for sale, any commercial feed stuffs which contain a smaller percentage of constituents than it is certified to contain, shall upon conviction be fined not more than one hundred dollars for the first offense, and not more than two hundred dollars for each subsequent offense, and the offender in all cases, shall also be liable for damages sustained by the purchaser of such commercial feed stuffs; provided, however, that a deficiency of two per centum of crude protein or two per centum of crude fat, or an excess of two per centum of crude fiber, claimed to be contained shall not be considered as evidence of fraudulent intent.

Penalty for failure to comply with this act.

SECTION 7. Any person who shall adulterate any kind of meal, ground grain, bran or middlings with any other substance whatever, for the purpose of sale shall plainly mark or brand each and every package with a correct statement as to the proportions and kind of adulterant or adulterants used therein. The penalty for violating this section shall be a fine of not less than ten dollars or more than two hundred dollars for the first offense, and not less than twenty-five dollars or more than five hundred dollars for each subsequent offense.

Penalty for failure to properly mark or brand adulterated packages.

SECTION 8. The secretary of the Ohio state board of agriculture, or any person deputed by him, is hereby authorized to draw from any package or bulk quantity of commercial feed stuffs exposed for sale, or found in possession of any purchaser, in any county in Ohio, a quantity not exceeding two pounds which shall be for analysis, as provided in section 5 of this act.

Secretary of board of agriculture authorized to withdraw from packages, etc., sample for analysis.

SECTION 9. All suits for the recovery of fines, under the provisions of this act, shall be brought by the secretary of the Ohio state board of agriculture, in the name of the state of Ohio. All prosecutions under this act shall be governed by Sec. 3718a of the Revised Statutes of Ohio and said section shall control all such prosecutions.

Prosecutions under this act.

SECTION 10. The secretary of the Ohio state board of agriculture shall publish, annually, a correct report of all analyses made and all licenses issued for the sale of commercial feed stuffs, together with a statement of all moneys received on account of license fees and all expenditures made in connection with securing samples, and having the same analyzed; and any surplus shall be placed to the credit of the agricultural fund.

Publication of reports of analyses.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April —, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

[House Bill No. 584.]

AN ACT

To impose a tax upon the right to succeed to, or inherit, property.

Be it enacted by the General Assembly of the State of Ohio:

Direct inheritance tax;
amount and
when due.

SECTION 1. The right to succeed to or inherit property within the jurisdiction of this state, and any interest therein, whether belonging to inhabitants of this state or not, and whether tangible or intangible, including annuities, which shall pass by will or by the inheritance laws of this state, or by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor, to the use of the father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant, adopted child, or person recognized as an adopted child and made a legal heir under the provisions of section 4182 of the Revised Statutes of Ohio, or the lineal descendant thereof, the lineal descendant of any adopted child, the wife or widow of a son, the husband of a daughter of a descendant, or to any one in trust for such person or persons, shall be taxed as follows, to-wit: Upon the value of the property exceeding three thousand dollars, succeeded to or inherited by any person, two per centum on such excess; such tax to be borne by the person so succeeding to or inheriting the same in the manner herein provided. And all administrators, executors and trustees, shall be liable for all such taxes, with interest, as hereinafter provided, until the same shall have been fully paid. Such taxes shall become due and payable immediately upon the death of the decedent, and shall at once become a lien upon said property.

Payment, to whom; interest if delayed, and discount for early payment; coercive proceedings.

SECTION 2. All taxes imposed by this act shall be paid into the state treasury by the executors, administrators or trustees, or other persons charged with the payment thereof, and if said taxes are not paid within one year after the death of said decedent, interest at the rate of six per centum shall be thereafter charged and collected thereon; and if said taxes are not paid at the expiration of eighteen months after the death of said decedent, it shall be the duty of the prosecuting attorney of the county upon the direction of the attorney-general to institute the necessary proceedings to collect the same in the court of common pleas in the county wherein said taxes remain unpaid, after first being notified in writing by the auditor of state of the nonpayment of such taxes; but if said taxes are paid before the expiration of one year after the death of said decedent, a discount at the rate of one per cent. per month for each full month that payment shall have been made prior to the expiration of said year, shall be allowed on the amount of taxes found to be due under the provisions of this act.

Deduction by administrator, executor or trustee from bequest.

SECTION 3. Any administrator, executor or trustee having in charge or trust any property subject to such tax, shall deduct the tax therefrom, or shall collect the tax thereon

from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property, subject to said tax, to any person until he has collected the tax thereon.

SECTION 4. Whenever any legacies subject to said tax shall be charged upon or payable out of any real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom and pay it to the executor, administrator or trustee, and the same shall remain a lien upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator or trustee, in the same manner as the payment of the legacy itself could be enforced.

Deduction of tax payable out of real estate; lien.

SECTION 5. All administrators, executors and trustees shall have power to sell so much of the estate of the deceased as will enable them to pay said tax in the same manner as they may be empowered to do for the payment of his debts.

Administrators, executors and trustees empowered to sell lands to pay tax.

SECTION 6. Within ten days after the filing of the inventory of every estate subject to a tax under the provisions of this act, the judge of the court of probate in which such inventory is filed, shall make and forward to the auditor of state, a copy of such inventory, with the appraisal of said estate, who shall collect such taxes and pay the same into the state treasury, to the credit of the general revenue fund.

Proceedings after filing of inventory.

SECTION 7. Whenever any of the real estate of a decedent shall so pass to another person as to become subject to said tax, the executor, administrator or trustee of the decedent shall inform the probate judge thereof within three months after he has assumed the duties of his trust, or if the fact is not known to him within that time, then within one month from the time that it does so become known to him.

Information to probate judge by executor, etc.

SECTION 8. Whenever for any reason the devisee, legatee or heir who has paid any such tax, and it shall be judicially determined that the whole or any part of such tax ought not to have been paid, said tax, or the due proportional part of said tax, shall be paid back to him by the executor, administrator or trustee.

Refunding of tax.

SECTION 9. The value of such property as may be subject to such tax shall be its actual market value as found by the court of probate; but the state, through the attorney-general, or the prosecuting attorney of the county when directed by the attorney-general, or any person interested in the succession to said property may apply to the court of probate having jurisdiction of the estate; and on such application the court shall appoint three disinterested persons, who, being first sworn, shall view and appraise such property at its actual market value for the purpose of said tax, and shall make return thereof to said court, which return may be accepted by said court in the same manner as the original inventory of such estate is accepted, and if

Valuation of property.

Fees of appraisers.

so accepted it shall be binding upon the person by whom this tax is to be paid, and upon the state. The fees of the appraisers shall be fixed by the judge of probate and paid out of such tax by the auditor of state. In case of an annuity or life estate, the value thereof shall be determined by the so-called actuaries' combined experience tables and five per centum compound interest.

Jurisdiction of probate court; attorney-general or prosecuting attorney represents state.

SECTION 10. The court of probate, having either principal or auxiliary jurisdiction of the settlement of the estate of the decedent, shall have jurisdiction to hear and determine all questions in relation to said tax that may arise, affecting any devise, legacy or inheritance under this act, subject to appeal as in other cases, and the attorney-general or prosecuting attorney of the county when directed by the attorney-general shall represent the interests of the state in any such proceedings.

Statements of probate judge to auditor of state; record of cases.

SECTION 11. The judge of each probate court shall, as often as once in three months, render to the auditor of state, a statement of the property within the jurisdiction of his court that has become subject to said tax during such period, the number and amount of estates subject to such taxes as will accrue during the next three months, so far as the same can be determined from the probate records, and each probate judge shall keep a separate record, in a book to be provided for that purpose, of all cases and proceedings arising under the provisions of this act.

Fees chargeable to state.

SECTION 12. The fees of probate judges having duties to perform under the provisions of this act, shall be the same as now allowed by law for similar services, and the same shall be deducted by the auditor of state and paid to the probate judge from the amount of taxes to be paid into the state treasury.

No final account to be accepted until tax paid; voucher.

SECTION 13. No final settlement of the account of any executor, administrator or trustee shall be accepted or allowed by the court of probate unless it shall show, and the judge of said court shall find, that the taxes imposed by the provisions of this act upon said property or interest therein belonging to the estate to be settled by said account shall have been paid; and the receipt of the auditor of state shall be the proper voucher for such payment.

Auditor of state to prepare blanks and books.

SECTION 14. The auditor of state, immediately upon the passage of this act, shall prepare or cause to be prepared the necessary blanks and books of record and account to carry out the provisions hereof, and the same shall be printed at the expense of the state in the manner provided by law.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,

Passed April 25, 1904. *President of the Senate.*
Approved 25, 1904.

MYRON T. HERRICK,
Governor.

AN ACT

To amend section 2745 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2745 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2745. Every insurance company, incorporated by the authority of any other state or government, shall in its annual statement to the superintendent of insurance, set forth the gross amount of premiums received by it in the state during the preceding calendar year, without deductions for commissions, return premiums or considerations paid for reinsurance, or any deductions, whatever; and shall, also, therein set forth, in separate items, return premiums paid for cancellations and, also, considerations received from other companies for reinsurances in this state, during such year.

The superintendent of insurance shall examine such report of every such company, and if he finds the same correct, shall, prior to the month of November in each and every year, compute an amount of two and one-half per centum on the balance [of] on such gross amount after deducting such return premiums and considerations received for reinsurances as shown by the next preceding annual statement, and charge [the] to same to such company as a tax upon the business done by it within said state for the period as shown by said annual statement; and shall at said time, mail to the last known address of the head office of such company, a statement of the amount so charged against said company, which amount such company, shall, in the month of November next succeeding pay to the superintendent of insurance at his office.

If any such company fail or refuse to pay said tax, after a statement thereof has been made and mailed to such company as herein provided; or if the statement required to be made by it under this section is false or incorrect, the superintendent of insurance may revoke the license of such company doing business in this state; and shall upon such failure or refusal to pay said tax certify that fact to the attorney-general of the state, who shall thereupon begin an action against such company in the court of common pleas of Franklin county, Ohio, or in the court of common pleas of any other county in said state, as he, the attorney-general may elect, to recover the amount of said tax. Provided, that upon any such company ceasing to do business in this state, it shall thereupon make report to the superintendent of insurance of the gross amount of premiums, not theretofore reported as provided in this section, received by it in the state, prior to such discontinuance of business after deducting return premiums and considerations received for

Listing personal property:

Foreign insurance companies, annual statements.

Payment of tax to superintendent of insurance.

Penalty for failure to pay tax or make true statement.

reinsurance, not theretofore so reported, and shall forthwith pay to the said superintendent of insurance the same per centum of tax thereon.

If any such company shall refuse to pay said tax, upon demand being made therefor, it shall be liable to the state of Ohio at the suit of the attorney-general, to a penalty of not more than five hundred dollars per month for each and every month such company has failed, after demand therefor, to pay such tax. Service of process in any such action shall be made according to the requirements of the Revised Statutes governing suits brought against such company by a policy holder therein.

Retaliatory provision.

If the laws of any other state, territory or nation authorize charges for the privilege of doing business therein, or taxes against any insurance companies, which are, or may be organized in this state, exceeding the charges herein provided, the same shall be charged against all insurance companies of such state, territory or nation, doing business in this state, in place of the charges herein provided.

Examination of books of company.

If, at any time, said superintendent has reason to suspect the correctness of any such statement he may, at the expense of the state, make an examination of the books of such company, or of its agents, for the purpose of verifying the same. All taxes collected under the provisions of this section by the superintendent of insurance shall be paid by him, upon the warrant of the auditor, into the general revenue fund of the state.

Deposits with superintendent; return of under Sec. 2744 or 2734.

Insurance companies and associations, incorporated by the authority of another state or government, or the superintendent of insurance, shall not be required to make returns of deposits of such companies or associations, made as required by law, with such superintendent of insurance for the benefit and security of policy holders, and shall not be governed, in respect to such deposits, by the provisions of section 2744, or of section 2734 of the Revised Statutes of Ohio.

Repeals.

SECTION 2. That said original section 2745 be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HARRICK,

Governor.

231G

AN ACT

To amend section 1104 of the Revised Statutes of Ohio, providing for the sale of forfeited lands.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1104 of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 1104. When any taxes or assessments stand charged against any lands or lots or parcels thereof upon the tax duplicate for any purpose authorized by law, and the said taxes or assessments, or any part thereof, are not paid within the time prescribed by law for the payment of the same, the county treasurer in addition to all other remedies provided by law may, and when requested by the auditor of state shall, enforce the lien of such taxes and assessments, or either, and any penalty due thereon, by a civil action in his own name as county treasurer for the sale of said premises, in the court of common pleas of the county, without regard to the amount claimed, in the same way mortgage liens are enforced; and the said court shall, upon the application of the plaintiff, advance said causes on the docket, so that the same may be first heard; and it is sufficient, having made the proper parties, for the treasurer to allege in his petition that the taxes and assessments, or either, stand charged on the tax duplicate against said premises, the amount thereof, and that the same are unpaid; and he shall not be required in the petition to set forth any other or further special matter relating thereto; and a certified copy of the entry on said tax duplicate, shall be prima facie evidence on the trial, of the amounts and validity of such taxes and assessments, and of the nonpayment thereof; and when it is found that such taxes and assessments, or any part thereof, are due and unpaid, judgment shall be rendered for the same, penalty and costs, and said premises shall be by order of the court sold to pay the same, and no appraisalment shall be necessary; and out of the proceeds of the sale shall first be paid the costs, next the judgment for taxes and assessments, and the balance shall then be distributed according to law, and the owner or owners of such property shall not be entitled to any exemption as against such judgment, nor shall any statute of limitations be applicable to any action brought under this section; and when the lands or lots stand charged on the tax duplicate as forfeited to the state, it shall not be necessary to make the state a party, but it shall be deemed a party through and represented by the county treasurer.

And in proceedings hereunder the county treasurer may join in one action all or any number of lots or lands, but the decree shall be rendered severally or separately, and any proceedings may be severed in the discretion of the court for the purpose of trial, error or appeal, where an appeal

County
treasurer:

Action by
treasurer for
unpaid taxes
or assess-
ments.

Advancement
of case.

Petition and
evidence.

Judgment and
decree; distri-
bution of
proceeds.

is allowed, and the court shall make such order for the payment of costs as shall be deemed equitable and proper.

Treasurer may contract for collection of unpaid taxes or assessments.

Whenever any lands or lots or parcels thereof have been advertised for and offered at both delinquent and forfeited tax sales and have been returned as unsold at both, and have become forfeited to the state by reason of the unpaid taxes thereon, the county treasurer shall have power to contract with any suitable person or persons, to collect all the taxes or assessments on such forfeited lands, or lots, or parcels thereof, at a compensation that may be deemed just and proper, subject to the approval of the county commissioners, but not to exceed 25 per cent. of the amount collected, payable out of the amount collected; and all such allowances shall be appropriated ratably by the county auditor, among all the funds entitled to share in the distribution of such taxes, and the expense of collection under said contract shall be borne by the person or persons so contracting; and the person or persons so contracting, shall have the right to proceed under this section in the collection of said taxes and assessments, or as otherwise provided by law.

How, when treasurer fails to enforce lien for taxes.

Provided, that when any such county treasurer shall refuse or neglect to enforce a lien for such taxes and assessments, or either, and penalty due thereon, by civil action as hereinbefore provided, when requested so to do by the auditor of state, the auditor of state may direct the prosecuting attorney of the county, to enforce such lien, in a civil action in the name of the state of Ohio, and said suit shall be brought and prosecuted, the same as hereinbefore provided, and for his services, such prosecuting attorney shall be allowed by the county commissioners of such county, payable out of the amount collected, a sum not exceeding twenty-five per cent. of the amount collected, the expense of such collection to be borne by the said prosecuting attorney, and all such allowances shall be apportioned ratably by the county auditor, among all the funds entitled to share in the distribution of such taxes.

Repeals.

SECTION 2. That said section 1104 of the Revised Statutes of Ohio, as the same was amended April 4th, 1902, Vol. 95, page 93, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage, and shall apply to all existing causes of action and pending actions.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

232G

AN ACT

To amend section 284 of the Revised Statutes of Ohio, relating to annual publication of statements by insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 284 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 284. The superintendent of insurance shall, annually, issue to each insurance company and association, which he finds should be authorized to do business in this state, upon its complying with the law and filing its annual statement or as soon thereafter as the same can be done, his certificate reciting that it has in all respects complied with the laws of this state applicable to it, and also the actual amount of paid up capital, the aggregate amount of its assets and liabilities, together with its aggregate income and expenditures for the preceding year, as shown by the annual statement of the company or association for that year, filed with and accepted by the superintendent, and he shall issue to any newly applying company or association, which he finds should be authorized to do business in this state, such certificate reciting its compliance with the laws applicable to it and the aggregate amount of its assets and liabilities, together with its aggregate income and expenditures as shown by the financial statement submitted by it under oath of its officers and accepted by the superintendent. All such certificates of authority and all licenses of companies and agents shall expire, as to companies organized or admitted to do business under the provisions of chapter X, title II, division II, part II, Revised Statutes, on the first day of April next after they are issued, and as to companies organized or admitted to do business under the provisions of chapter XI, title II, division II, part II of Revised Statutes, on the first day of March next after they are issued.

Each such company and association not incorporated under the laws of the state of Ohio, shall file a copy of such certificate duly certified by the superintendent, with the recorder of each county in which it has an agency before doing business in such county under authority of such certificate. For filing each such certificate and each license, the recorder shall be entitled to ten cents. Each such company and association not incorporated under the laws of the state of Ohio shall at least once a year, and before the time for making its report as hereinafter required, publish such certificate in every county where it has an agency in a newspaper published and of general circulation in the county, and having the certificate of the superintendent herein authorized. No newspaper shall be deemed a newspaper of general circulation, as herein defined, unless it shall have a circulation in the county in which it is published as follows: Counties having population of 30,000, or less, six hundred; counties having

Superintendent of insurance:

Shall issue certificate to insurance companies complying with laws: what to contain.

New companies.

When such certificates shall expire.

Foreign company to file copy of certificate with county recorder.

Annual publication of certificate required.

When newspaper deemed one of general circulation.

population of 50,000, or less, and more than 30,000, eight hundred; counties having population of 100,000, or less, and more than 50,000, twelve hundred; counties having population of 150,000, or less, and more than 100,000, two thousand; counties having population of more than 150,000, three thousand; the population being that shown by the last preceding federal census, and unless it is published in the English language and has been established for one year. Before making publication of any certificate, as herein provided, the manager, editor or proprietor of a newspaper shall certify under oath to the superintendent of insurance, on blank form to be prepared and, on applications to be furnished by him, the information required for determining whether it is a newspaper of general circulation, as defined herein, and receive his certificate reciting that the newspaper is one of such general circulation.

Foreign company must file with superintendent report showing publication required by preceding section.

Penalty for failure to comply with this act.

Approval of publication.

Every such company and association not incorporated under the laws of the state of Ohio, shall on or before October first of each year file with the superintendent of insurance its report, in writing, under oath of its president or secretary, setting forth the counties in which such publications were made, the counties in which it had agencies at the time of such publications, and the names of the newspapers in which the publications were made, and shall attach as an exhibit thereto a copy of the certificate so published. The superintendent shall prepare and, upon application therefor, shall furnish to such companies and associations blank forms for such reports. If any such company or association shall fail to comply with this act, the superintendent shall suspend its authority to do business in the county where it is not shown by such report that such publication has been made, until such publication is made. If, however, it appear that such application [publication] has not been made in any county, through mistake or oversight, then such authority in such county shall not be suspended but shall be continued, provided such publication so omitted shall be made within such time as shall be designated by the superintendent. No publication shall be approved by the superintendent in any newspaper, which he has not prior to the publication, certified is a newspaper published and of general circulation in the county, provided that if publication shall have been made in any such newspaper and a report, as herein provided, shall be filed and the certificate of the superintendent procured within such time as he may designate, then publication in such newspaper shall be approved. The superintendent shall keep a book in which shall be recorded the names of the newspapers, which have been so certified as newspapers of general circulation, and such book shall be open to the inspection of any such company or association. Every such certificate of circulation shall continue in force until revoked, and the superintendent shall, whenever he deems proper, demand further

certificates from the managers editors or proprietors of any newspaper holding such certificate.

SECTION 2. That said original section 284 be and the same is hereby repealed. **Repeals.**

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
233G

[House Bill No. 501.]

AN ACT

To authorize the council of any incorporated village in Ohio to levy an additional tax for fire protection purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of any incorporated village in the state of Ohio, be, and they hereby are, authorized to levy an additional tax of five mills for the purpose of defraying the expense of constructing and maintaining a water line, connecting any village with any water supply and for the purpose of maintaining said pipe line for fire protection purposes, to any village. Said tax of five mills to be levied upon all taxable property included in any incorporated village for the years, 1904, 1905, 1906, 1907 and 1908; and said tax to be in addition to the taxes now authorized by law.

Village council
authorized to
levy additional
tax for fire
protection
purposes.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
234G

[House Bill No. 406.]

AN ACT

To amend section 3461, and to repeal section 3641b of the Revised Statutes of Ohio, relating to the powers of insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3641 of the Revised Statutes of Ohio as amended April 1, 1902, be amended to read as follows:

Insurance
companies
other than
life:

Sec. 3641. A company may be organized or admitted under this chapter to:

1. Insure houses, buildings and all other kinds of property against loss or damage by fire and lightning and tornadoes, in and out of the state, and make all kinds of insurance on goods, merchandise and other property in the course of transportation, whether on land or water, or on any vessel or boat wherever the same may be.

2. Make insurance on the health of individuals and against personal injury, disablement or death, resulting from traveling or general accidents by land and water; make insurance against loss or damage resulting from accident to property, from cause other than fire or lightning; guarantee the fidelity of persons holding places of public or private trust, who may be required to, or do, in their trust capacity, receive, hold, control, disburse public or private moneys or property; guarantee the performance of contracts other than insurance policies, and execute and guarantee bonds and undertakings required or permitted in all actions or proceedings, or by law allowed; make insurance to indemnify employers against loss or damage for personal injury or death resulting from accidents to employes or persons other than employes and to indemnify persons and corporations other than employers against loss or damage for personal injury or death resulting from accidents to other persons or corporations, provided that any company of another state, territory, district or country admitted to transact said last named business of indemnifying employers and others shall, in addition to any other deposit required by other laws of this state, deposit with the superintendent of insurance for the benefit and security of all its policy holders fifty thousand dollars in bonds of the United States or of the state of Ohio, or of a county, township, city or other municipality in this state, which shall not be received by the superintendent at a rate above their par value. The securities so deposited may be exchanged from time to time for other securities, and so long as the company so depositing continues solvent and complies with the laws of this state it shall be permitted by the superintendent to collect the interest on such deposits.

3. Make insurance on the lives of horses, cattle or other live stock against loss by death caused by accident, disease, fire or lightning, and against loss by theft and damage by accident; provided, that such companies shall have a capital of one hundred thousand dollars, with at least twenty-five (25) per cent of the capital stock paid up.

4. Receive on deposit and insure the safe-keeping of books, papers, moneys, stocks, bonds and all kinds of personal property; lend money on bottomry or respondentia, and cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan which it may have made on mortgage, bottomry or re-

spondentia, and generally to do and perform all other matters and things proper to promote these objects.

No company shall be organized to issue policies of insurance for more than one of the above four mentioned purposes, and no company organized for either one of the said purposes shall issue policies of insurance of any other. Limitation.

Provided, however, that companies organized, or that may hereafter be organized under subdivision 2 hereof, which do the business of guaranteeing the fidelity of persons, holding places of public or private trust, who may be required to or do, in their trust capacity, receive, hold, control, disburse public or private property, and guaranteeing the performance of contracts other than insurance policies, and executing and guaranteeing bonds and undertakings required or permitted in all actions or proceedings or by law allowed, shall have power to indemnify bank depositors against loss by reason of bank suspension and failure.

Provided, also, that no company organized under the laws of this state to transact the business of guaranteeing the fidelity of persons holding places of public or private trust, or of executing or guaranteeing bonds or undertakings, as aforesaid, shall commence business until it has deposited with the superintendent of insurance two hundred thousand dollars in securities permitted by sections 3637 and 3638 of the Revised Statutes, which shall be held by said superintendent for the benefit and security of all the policy holders of the company, and which shall not be received by the said superintendent at a rate above their par value; nor shall a company, organized under the laws of another state, territory, district or country be licensed to transact any such business in this state unless at least two hundred thousand dollars of its assets are invested in securities permitted by sections 3637 and 3638 of the Revised Statutes of this state, or if a company of another state, district or territory, in securities permitted by the laws of the state, district or territory in which the company is organized, and such securities are deposited with the superintendent of insurance of this state, or the superintendent of insurance or other officer of another state, district or territory designated by the laws of such state to receive the same, and if such securities are deposited with the superintendent of insurance or other officer of another state, district or territory, the superintendent of insurance of this state shall be furnished with a certificate of such officer under his hand and official seal that he, as such officer, holds in trust on deposit for the benefit of all the policy holders of such company the securities above mentioned, giving the items of such securities, and stating that he is satisfied such securities are worth at least two hundred thousand dollars; the securities so deposited with the superintendent of insurance may be exchanged from time to time for other like securities, and so long as the corporation depositing the securities shall continue solvent and comply with the laws Deposit required of guarantee companies.

Denial of
corporate
power barred.

Foreign insur-
ance compan-
ies: return
of deposits.

Repeals.

of this state it shall be permitted by the superintendent of insurance to collect the interest or dividend on such deposit. Provided, also, that any company which shall execute any bond as surety under the provisions of this act shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute such instrument or assume such liability, and the superintendent of insurance and other officers of this state having the control or custody of any deposit of \$30,000 in securities heretofore required to be made by companies of other states under section 3641 of the Revised Statutes of Ohio, shall deliver the same to the depositors thereof and said officers shall be and are hereby relieved from further custody and control or liabilities for or in respect of the same or the surrender thereof from and after the passage of this act.

SECTION 2. That sections 3641 and 3641b of the Revised Statutes of Ohio as amended April 1st, 1902, be and is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
235G

[House Bill No. 472.]

AN ACT

To amend sections 280, 281, and 283 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

Superin-
tendent
of insurance:

SECTION 1. That sections 280, 281 and 283 of the Revised Statutes of Ohio be amended so as to read as follows:

Forms of state-
ments to be
furnished.

Sec. 280. The superintendent shall, annually, in November, furnish to the insurance companies doing business in this state, two or more printed copies of the forms of statements required by law to be made by them, and he may make such changes, from time to time, in the forms of the same, and such additions thereto, as seem to him best adapted to elicit from the companies a true exhibit of their conditions.

Securities
shall be depos-
ited in state
treasury.

Sec. 281. All securities deposited with the superintendent of insurance, pursuant to the provisions of any law of the state, shall be deposited by him with the treasurer of state, who, with his sureties shall be responsible for the safe-keeping thereof; and the treasurer shall only deliver such securities, or coupons attached thereto, upon the written order of the superintendent of insurance. No security shall

be accepted for deposit by the superintendent of insurance, unless the same is of par market value of one thousand dollars or more.

Sec. 283. It shall be unlawful for any person, company or corporation in this state, either to procure, receive, or forward applications for insurance in any company or companies not organized under the laws of this state, or in any manner to aid in the transaction of the business of insurance with any such company, unless duly authorized by such company and unless duly licensed by the superintendent of insurance.

License, etc.,
of persons
making appli-
cation for
insurance.

SECTION 2. That said original sections 280, 281 and 283 be and the same are hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representative.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

236G .

[House Bill No. 303.]

AN ACT

To authorize any township to establish a free public park.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever a number of electors in any township, including all municipal corporations therein, if any, equal to or exceeding one-tenth of the total vote cast at the general or township election next preceding therein, shall file a petition with the trustees of such township for proceedings to establish a free public park for such township, the said trustees shall certify that fact to the court of common pleas of the county in which said township is situated, and said court, or a judge thereof, shall appoint a board of park commissioners for such township, to consist of three suitable resident freeholders thereof,—one to serve for one year, one for two years, and one for three years, from and after the second Monday of May succeeding said appointment, and thereafter one commissioner annually to serve for three years; and in case any vacancy shall occur or exist in the membership of said board by death, resignation, or otherwise, said court shall fill such vacancy by appointment for the unexpired term.

Petition for
establishment
of township
free public
park; appoint-
ment of board
of park com-
missioners.

SECTION 2. Said board of park commissioner shall call to their assistance one or more skilled landscape architects, and, if desired, other expert advice, as to suitable places for the location of a free public park or parks for such township, and they shall make a written report to the township trustees of their findings and recommendations

Written report
of board as to
site and cost
thereof.

together with an estimate of the cost of the land recommended for park purposes; and they may take options and receive bids from owners of land, for park purposes, before filing such written report.

Submission of question of establishment of park.

SECTION 3. Upon filing said report, the township trustees shall direct the township clerk to give thirty days' notice by posting in five public places in the township, and by publication in one or more newspapers of general circulation therein, if any, that an election will be held at the next general or township election to determine whether a free public park shall be established for the township, and also state the estimated cost of the land recommended for that purpose; and to file written notice with the proper authority, or authorities, having charge of the making up or printing of official ballots, that such an election will be held, and there shall be printed or written on such ballots, "For free public park, yes," or "For free public park, no;" and if a majority of the votes cast on that proposition shall be "yes," a free public park shall be established for said township; but if a majority of the votes cast on that proposition shall be "no," the board of park commissioners for that township shall be abolished and the township trustees shall provide for and pay all proper expenses incurred by said board under this act.

Duty of board after affirmative vote.

SECTION 4. When the vote is in favor of establishing a free public park in any township, as above provided, the park commissioners appointed under section 1 of this act shall constitute a board, to be called the board of township park commissioners, and they shall serve without compensation. They shall have power to locate, establish, improve and maintain a free public park within and for such township, and to accept a conveyance of, purchase or appropriate suitable lands and materials for that purpose. It shall be their duty to have careful surveys and plats made of the lands acquired for park purposes, and establish permanent monuments of their boundaries; and such plats, when executed according to the law providing for the execution of plats by corporations, shall be admitted to and recorded in the office of the county recorder, and such record shall be admissible in evidence at all times for the purpose of locating and ascertaining the true boundaries of such park.

Powers and duties of board.

SECTION 5. The township park commissioners shall devise all plans for the improvement of such park, and award all contracts therefor, in the manner now provided by law governing township trustees in awarding contracts for public improvements. They shall have power to appoint a guardian for such park and all other necessary officers and employees, fix their compensation and prescribe their duties; to prohibit selling, giving away or using as a beverage any intoxicating liquors in said park, to pass by-laws, rules and regulations for the government of such park, and to protect it from injury and provide for their enforcement by fines and penalties; but such by-laws, rules and regulations shall not conflict with the constitution and laws of the state.

SECTION 6. When the township park commissioners can not procure lands or materials desired for park purposes by deed or gift, or purchase upon terms they regard reasonable, they may appropriate lands or materials for that purpose by proceedings in accordance with the provisions of law regulating the appropriation of private property by municipal corporations. If it is desired at any time to acquire additional grounds for enlarging such park and improving the same, the township park commissioners are hereby empowered to accept a deed of gift, purchase or appropriate lands therefor, in the manner hereinbefore provided for the original establishment of such park, and they may improve the same; and whenever gravel or other material is desired for the construction, improvement or repair of any roadway or other improvement herein authorized, the township park commissioners are empowered to appropriate and take the same, and for this purpose they may go outside of the township limits.

May condemn
land or
materials.

SECTION 7. To defray the expenses of purchasing, appropriating and improving lands for park purposes and maintaining the same as a free public park, the township park commissioners may levy, annually, a sufficient tax for that purpose, not exceeding one mill on each dollar of valuation on all real and personal property, including property within any municipal corporation within the limits of such township, over and above all other taxes and limitations thereon, now authorized by law, unless the question of increasing such levy shall be submitted to and approved by a vote of the electors of such township, at any general or township election, which vote shall be taken on the order of the township park commissioners, specifying the additional levy they desire to make and the purpose for which it is desired; on the making of such order the township clerk shall give notice at least thirty days before said election that the vote will be taken, by posting printed notices therein in at least five public places, and by publication in not less than one newspaper of general circulation therein, if any; and the electors who favor the proposition shall have printed or written on their ballot "_____ park improvement (naming it)—yes;" and those opposed to the proposition shall have printed or written on their ballots "_____ park improvement (naming it)—no;" and if a majority of all the votes cast upon the proposition is in favor of it, the township park commissioners may levy such additional tax.

Tax levy to
defray ex-
penses; sub-
mission of
question of in-
creased levy.

SECTION 8. Whenever any tax is levied as herein authorized, the township park commissioners shall cause the same to be certified to the county auditor for collection, and the same shall be collected as other taxes; and for the purpose of raising money to pay for and improve such park, the township park commissioners may issue the bonds of such township, to be denominated township park bonds, in any sum not in excess of the taxes herein authorized to be levied.

Collection of
tax; bonds
may be issued.

Annual report
of financial
transactions.

SECTION 9. Said commissioners shall make out, or cause to be made out, an annual report for the public, showing in detail all financial transactions of the board, which report shall be audited by a committee of two competent accountants to be appointed by the court of common pleas, and said auditing committee shall report a summary of their findings to said court for its approval, which summary, when approved, shall be entered upon the records of said court, said auditing committee and costs of records in common pleas court to be paid by the park board.

Title of park
property ac-
quired by de
facto board
to pass to
board herein
provided.

SECTION 10. The title to all park property and all money acquired for any township by any de facto park board shall pass to and be vested in the park board herein provided for, in trust for park purposes; and all obligations incurred by any de facto township park board under the provisions of any former act of the general assembly of the state of Ohio, whether constitutional or otherwise, shall become the lawful obligations of the park board provided for by this act, and of the township receiving the benefit of such obligations.

Repeals, etc.

SECTION 11. That an act entitled "An act to authorize any township having a population at the last federal census, or which at any subsequent federal census may have a population of not less than thirty-five thousand, nor more than thirty-six thousand, to establish a free public park," passed January 23, 1894, shall be and the same is hereby repealed; but this repeal shall not extend to or in any way affect any de facto board of township park commissioners until a board of township park commissioners is organized under the provisions of this act.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
237G

[House Bill No. 493.]

AN ACT

To authorize county commissioners to purchase toll roads upon and along which suburban or interurban railroads are constructed and to maintain the same as free turnpikes.

County com-
missioners au-
thorized to
purchase toll
roads upon or
along which
suburban or
interurban
railroads are
constructed
and operated.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of any county in which any toll roads are now in existence, be and they hereby are authorized and empowered to purchase of the owners thereof, any or all of said roads upon and along which suburban or interurban railroads are constructed and

operated, upon such terms as to price and time of payment as may be agreed upon by the county commissioners with the owners of such roads, whenever twenty per cent. of the purchase price so agreed upon is paid into the county treasury by land owners along such roads, or by said land owners securing by proper bond to the state of Ohio for the use of the county to the approval of the county commissioners the payment of said twenty per cent.; and thereafter to maintain the same as free turnpikes in the manner provided by law for the maintenance of such turnpikes.

SECTION 2. The county commissioners for the payment of the eighty per cent. of the purchase price, shall levy a tax not exceeding two mills on the dollar, upon all the taxable property of the county, and if they deem it advisable, may issue bonds for said payment which shall be payable in not more than twenty (20) years and to bear not exceeding four per cent. interest per annum, interest payable annually; but bonds so issued shall not be sold for less than par.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,

Governor.

238G

Tax levy and
bond issue
authorized.

[House Bill No. 417.]

AN ACT

To amend sections 272, 274, 275 and 276 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 272, 274, 275 and 276 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 272. The superintendent may make, or cause to be made by some person by him for that purpose appointed, an examination into the affairs of any insurance company doing business in this state, whether incorporated in this state or not; and such company, its officers and agents shall submit their books and business to such examination, and in every way facilitate the same, and he shall, annually, make or cause to be made, an examination of the assets of every life insurance company organized under the laws of this state, and ascertain if the same are invested in the manner prescribed by law at the date each investment was made, and, also, if the last preceding annual statement of assets and unpaid death claims was correct. The actual

Superin-
tendent of
insurance:

Examination
of insurance
companies do-
ing business in
this state.

expenses incurred by said examinations shall be paid by the state treasurer on the warrant of the state auditor upon the certificate of the superintendent of insurance; provided that, when any examination is made upon the demand of the company therefor, the expenses of the same shall be paid by the company; and provided further, that, when, by the laws of any other state, district, territory or nation, examination of companies of this state are required or permitted to be made by the insurance department or other authority of such state, district, territory or nation at the expense of such companies, then the expenses of all examinations made by the insurance department of this state of all companies of such state, district, territory or nation shall be respectively charged to and collected from the companies so examined.

Proceedings
against un-
sound
companies.

Sec. 274. When it appears to the superintendent, from examination, or otherwise, that the assets of any insurance company organized under the laws of this state after deducting therefrom all liabilities, including reinsurance reserve or unearned premium fund computed according to the laws of this state, are reduced twenty per cent. or more below the capital required by law, he shall require such company to restore such deficiency within such period as he designates in such requisition. In case such deficiency is more than forty per cent. of the capital required by law, it shall be unlawful for such company to issue any new policies or transact any new business until the superintendent of insurance issues to such company a license authorizing it to resume business, or until the court has rendered its decision in the case as provided in section two hundred and seventy-six, Revised Statutes. In case such deficiency is more than twenty per cent. and less than forty per cent. of the capital required by law and the officers of the company certify that the deficiency will be restored by the company, then it will be lawful for the company to continue business as before the issuing of the requisition for the term of thirty days from the date thereof, and if at the expiration of the thirty days any portion of the deficiency is not restored, the company shall not issue any new policies or transact any new business until authorized by the superintendent, or until the court has rendered its decision in the case as provided in section two hundred and seventy-six, Revised Statutes.

Same.

Sec. 275. If upon examination, or otherwise, it appears to the superintendent that the funds and assets (other than contingent liability) of any company organized on the plan of mutual insurance, after deducting therefrom a reinsurance reserve fund computed in accordance with the law, are less than its liabilities, such company shall be deemed to have impaired its capital, and when such impairment shall exceed twenty-five per cent. of such reinsurance reserve fund, the superintendent shall require such company to make an assessment as provided in section thirty-six

hundred and fifty Revised Statutes, for the amount needed to pay its incurred losses and expenses, and to make good the reinsurance reserve fund required by law, upon its members liable to assessment therefor in proportion to their several liabilities, to be paid within such period as the superintendent shall name in such requisition. In case such impairment is more than forty per cent. of such reinsurance reserve fund, it shall be unlawful for such company to issue any new policies or transact any new business until the superintendent issues to such company a license authorizing it to resume business, or until the court has rendered its decision in the case as provided in section two hundred and seventy-six, Revised Statutes. In case such impairment is more than twenty-five per cent. and less than forty per cent. of such reinsurance reserve fund, and the officers of the company certify that such impairment will be restored, then it will be lawful for the company to continue business as before the issuing of the requisition, for the term of thirty days from the date thereof, and if at the expiration of the thirty days any portion of the impairment is not restored the companies shall not issue any new policies or transact any new business until authorized by the superintendent, or until the court has rendered its decision in the case as provided in section two hundred and seventy-six, Revised Statutes; and the trustees or directors of such company are hereby made personally liable for any losses which are sustained upon risks taken after the superintendent of insurance has issued his requisition for filling up the deficiency in the assets, and before such deficiency is made up, but nothing herein shall be so construed as to require any mutual fire insurance company to keep on hand any cash reinsurance reserve or funds invested in securities, other than their premium notes, when the premium notes amount in gross to three per centum of the amount at risk by the company.

Sec. 276. In case of default on the part of any company to comply with any such requisition made by the superintendent of insurance, in pursuance of sections two hundred and seventy-four or two hundred and seventy-five Revised Statutes, the superintendent shall communicate the fact to the attorney-general, who shall apply to the court of common pleas of the county in which the principal office of the company is located for an order requiring such company to show cause why the business thereof should not be closed, and shall give to the company such notice of the pending of such application as the court directs, and the court shall thereupon proceed to hear the allegations and proof of the respective parties; or, the court shall have power to refer the application of the attorney-general to a referee, to inquire into and report upon the facts stated therein. In case it appears to the satisfaction of the court that the assets of the company are not sufficient, as aforesaid, or that the interest of the public so require, the court

Same.

shall decree a dissolution of the company and a distribution of its effects, and any transfer of stock of a company made during the pendency of such investigation shall not release the party making the transfer from his liability for losses which have occurred previous to the transfer.

Repeals.

SECTION 2. That said original sections 272, 274, 275 and 276 be and the same are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
239G

[House Bill No. 488.]

AN ACT

To amend section 409-56 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

**State fire
marshal:**

SECTION 1. That section 409-56 of the Revised Statutes of Ohio be amended so as to read as follows:

**Salaries of
marshal and
assistants.**

Sec. 409-56. The state fire marshal shall receive an annual salary of \$3,000, and the first deputy fire marshal \$1,800, and the second deputy fire marshal \$1,500. Said fire marshal shall employ clerks and assistants and incur such other expense as may be necessary in the performance of the duties of his office, not to exceed, including salaries, such sum as may be paid into the state treasury in the manner hereinafter provided.

**Tax on insur-
ance com-
panies to de-
fray expenses
of department.**

For the purpose of maintaining the department of state fire marshal, and paying the expenses incident thereto, every fire insurance company doing business in the state of Ohio, shall pay to the superintendent of insurance, in the month of November, annually, in addition to the taxes now required by law, to be paid by such companies, one-half of one per cent. on the gross premium receipts of such companies on all business done in Ohio the year next preceding, as shown by their annual statements, under oath, to the insurance department. The superintendent of insurance shall cover the money so received into the state treasury as a special fund for the maintenance of said office of state fire marshal, and the expenses incident thereto. Such portion of said special fund remaining unexpended at the end of any fiscal year, as the state fire marshal shall certify is not needed for the maintenance and expenses of his department, shall be transferred to the general revenue fund of the state.

The state fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department, and shall approve all vouchers issued therefor, before the same are submitted to the auditor of state for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the state.

Itemized
statement of
expenses.

SECTION 2. That said original section 409-56 be and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
240G

[House Bill No. 427.]

AN ACT

To amend section 3661a of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3661a of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 3661a. No fire insurance company, organized under the laws of this state, or admitted to do business in this state, shall, in any public advertisement, card, or circular, include in any statement of assets, any item of value, of a class or character not admitted by the superintendent of insurance of this state in the annual reports of said companies. And every such advertisement, card, or circular, containing a statement of assets, shall, in all cases contain also a full statement of all the liabilities of said company, including the reinsurance reserve, which in no case shall be less than that required by section thirty-six hundred and fifty-four, Revised Statutes.

Insurance
companies
other than
life:

Fire insurance
company to in-
clude in adver-
tisement only
assets admit-
ted by superin-
tendent of
insurance.

SECTION 2. That said original section 3661a be and the same is hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
241G

AN ACT

To correct defects in the description in a deed from the state of Ohio, dated May 25th, 1880, attempting to convey certain Mercer county reservoir lands to the Mercer County Shooting and Fishing Club, so as to convey lands above the waste weir line of said reservoir instead of lands below said line and to quiet title in said club.

Preamble:

WHEREAS, The state of Ohio, under an act of the general assembly, passed April 20, 1872, (Ohio laws Vol. 69, pages 194, 195 and 196, as amended March 1, 1877) attempted to convey on the 19th day of April, 1877, to the Mercer County Shooting and Fishing Club, of Cincinnati, Ohio, for the sum of six hundred eighty-one and 01/100 dollars, the following Mercer county reservoir lands, viz:

The southeast corner of section fourteen, containing twenty-seven acres. Also, the northeast fractional quarter of the northeast quarter of section twenty-three, containing eighteen acres, and the fractions of the north half of the northwest quarter and northwest quarter of the northeast quarter of section twenty-three, all in township six, south, range three, east, containing twenty-seven acres of land, in all seventy-two acres, and,

WHEREAS, The act of April 29, 1872, as amended March 1, 1877, did not authorize the sale of lands lying within the Mercer county reservoir or below the waste weir thereof, as run by I. F. Raudabaugh in 1889, and

WHEREAS, The tract of land in section fourteen described in said attempted conveyance lies wholly below the said waste weir line and within the reservoir and no authority in law existed for a sale or conveyance thereof, and

WHEREAS, At the time of said attempted conveyance the state owned land in the north half of the north half of said section twenty-three, above the said waste weir line of said reservoir amounting approximately in the aggregate to seventy-two acres, the number of acres called for in said attempted conveyance, and

WHEREAS, The Mercer County Shooting and Fishing Club, of Cincinnati, Ohio, took possession of all the state land in the north half of the north half of section twenty-three, township six, south, range three, east, lying above the said waste weir line, excepting therefrom so much of said lands in the northwest quarter of the northwest quarter of said section as lies south of a line drawn from a point on the west line of said section that is twenty-three chains north of the west quarter post of said section, and running thence easterly to a point in the east line of the west half of the northwest quarter of said section twenty-three, that is twenty-two and fifty-hundredths chains north of the east and west half section line of said section under said attempted conveyance, and has ever since held the possession thereof. Therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That upon the reconveyance to the state of Ohio of the lands conveyed to the Mercer County Shooting and Fishing Club by said state by deed dated May 25, 1880, the governor is hereby authorized and required to execute a deed to said the Mercer County Shooting and Fishing Club for all the state land lying above the I. F. Raudabaugh waste weir line of the Mercer county reservoir in the north half of the north half of section twenty-three, township six, south, range three, east, Mercer county, Ohio, excepting therefrom so much of said lands in the northwest quarter of the northwest quarter of said section, as lies south of a line drawn from a point on the west line of said section that is twenty-three chains north of the west quarter post of said section, and running thence easterly to a point in the east line of the west half of the northwest quarter of said section twenty-three, that is twenty-two and fifty-hundredths chains north of the east and west half section line of said section, containing seventy-two acres, more or less.

Governor authorized to correct defects in deed made to Mercer County Shooting and Fishing Club.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved April 25, 1904.

MYRON T. HERRICK,
Governor.
242G

[Senate Bill No. 133.]

AN ACT

Regulating fraternal beneficiary associations and repealing the act of the general assembly of the state of Ohio entitled "An act regulating fraternal beneficiary societies, orders and associations," passed April 27, 1896, (sections 3631-11 to 3631-23 inclusive) and the act entitled "An act to amend section 3631-13 of the Revised Statutes of Ohio," passed May 12th, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. (Fraternal beneficiary associations defined.) Any corporation, society, order or voluntary association without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government and which shall make provision for the payment of death benefits, is hereby declared to be a fraternal beneficiary association.

Fraternal beneficiary associations defined.

**Lodge system²
defined.**

SECTION 2. (Lodge system defined.) Any association having a supreme governing or legislative body and subordinate lodges or branches by whatever name known into which members shall be elected and initiated or admitted in accordance with its constitution, laws, rules, regulations, and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required to hold regular or stated meeting at least once in each month, shall be deemed to be operating under the lodge system.

Representative form of government defined.

SECTION 3. (Representative form of government defined.) Any association shall be deemed to have a representative form of government, when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws, provided that the elective representatives shall constitute a majority in number and have not less than a majority of the votes, nor less than the votes required to amend its constitution and laws, and provided further that the meetings of the supreme or governing body and the election of officers shall be held as often as once in four years.

Exemptions.

SECTION 4. (Exemptions.) Except as herein provided, such association shall be governed by this act and shall be exempt from all provisions of the insurance laws of this state not only in governmental relations with the state, but for every other purpose and no law hereafter passed shall apply to them, unless they be expressly designated therein.

Benefits.

SECTION 5. (Benefits.) Every association transacting business under this act shall provide for the payment of death benefits and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age, provided, the period of life at which the payment of benefits for disability on account of old age shall commence shall not be under seventy years.

Beneficiaries.

SECTION 6. (Beneficiaries.) The payment of death benefits shall be confined to the family, heirs, relatives by blood, marriage or legal adoption, affianced husband or affianced wife, or to a person or persons dependent on the member.

What persons admitted.

SECTION 7. (What persons admitted.) No association shall admit to beneficial membership any person less than sixteen (16) nor more than sixty (60) years of age, nor any person who has not been examined by a competent physician and whose examination has not been supervised and approved as provided by the laws of the association.

Certificate.

SECTION 8. (Certificate.) Every certificate issued by any association shall specify the maximum amount of benefit provided thereby, and the conditions governing the payment thereof, and shall provide that the certificate, the charter

or articles of association, the constitution and laws of the association and the application for membership and medical examination, signed by the applicant shall constitute the contract between the association and the member and copies of the same certified by the secretary of the association or corresponding officer shall be received in evidence of the terms and conditions of the contract; and any changes, additions or amendments to said charter or articles of association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate shall bind the member and his beneficiaries and shall govern and control the contract in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

SECTION 9. (Funds.) Any association may create, **Funds.** maintain, disburse and apply a reserve, emergency or surplus fund in accordance with its constitution and laws not inconsistent with the provisions of this act. Unless otherwise provided in the contract, any such funds shall be held, invested and disbursed for the use and benefit of the association, and no member or beneficiary shall have or acquire any individual rights therein, or be entitled to an apportionment or the surrender of any part thereof. The funds from which benefits shall be paid and the funds from which the expenses of the association shall be defrayed, shall be derived from periodical or other payments by the members of the association and accretions of said funds; and every contract hereafter made between such association and its members shall provide that if such regular payments are insufficient to pay all matured death and disability claims in full and to provide for the creation and maintenance of the funds required by its constitution and laws, extra assessments may be levied upon the members to meet such deficiency.

SECTION 10. (Investment of funds.) In investing its **Investment of funds.** funds, a domestic association transacting business under this act shall be governed by paragraph one, two and three of section 3598 and sections 3599 and 3600 of the Revised Statutes.

SECTION 11. (Distribution of funds.) Every provision for payment by members of such an association, in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes and no part of the reserve, emergency or surplus funds or the net accretions of either or any of said funds shall be used for expenses. **Distribution of funds.**

SECTION 12. (Organization.) Seven or more persons, citizens of the United States, and a majority of whom are citizens of this state, who desire to form a fraternal beneficiary association, as defined by this act, may make and sign (giving their addresses) and acknowledge before **Organization.**

Organisation.

some officer competent to take acknowledgment of deeds, articles of association in which shall be stated:

1st. The proposed corporate name of the association, which shall not so closely resemble the name of any association or insurance company already transacting business in this state as to mislead the public or lead to confusion.

2nd. The purpose for which it is formed,—which shall not include more liberal powers than are granted by this act, provided that any lawful social, intellectual, educational, moral or religious advantages may be set forth among the purposes of the association,—and the mode in which its corporate powers are to be exercised.

3rd. The names, residences and official titles of all the officers, trustees, directors, or other persons who are to have and exercise the general control and management of the affairs and funds of the association for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body.

Such articles of association and duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed forms of benefit certificates, applications therefor, and literature to be issued by such association, and a bond in the sum of five thousand dollars with sureties approved by the superintendent of insurance, conditioned upon the return of the advance payments, as provided in this section, to applicants, if the organization is not completed within one year, shall be filed with the superintendent of insurance, who may require such further information as he deems necessary, and if the purposes of the association conform to the requirements of this act and all the provisions of the law have been complied with, the superintendent of insurance shall so certify and retain and record the articles of association in a book kept for that purpose and furnish the incorporators a preliminary certificate authorizing said association to solicit members as hereinafter provided.

Upon receipt of said certificate from the superintendent of insurance said association may solicit members for the purpose of completing its organization and shall collect from each applicant the amount of not less than one death benefit assessment or payment, in accordance with its table of rates as provided by the [its] constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. But no such association shall incur any liability other than for such advanced payments, nor issue any benefit certificate nor pay or allow, or offer or promise to pay or allow to any person any death or disability benefit until actual bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least one thousand dollars each and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians and certificates of such examinations have been duly filed and approved by the

chief medical examiner of such association, nor until there shall be established ten subordinate lodges or branches into which said five hundred applicants have been initiated, nor until there has been submitted to the superintendent of insurance, under oath of the president and secretary or corresponding officers of such association a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of regular payments or assessments, which shall not be lower for death benefits than those required by the national fraternal congress table of mortality, with interest at four per cent. per annum; nor until it shall be shown to the superintendent of insurance by the sworn statement of the treasurer or corresponding officer of such association that at least five hundred applicants have each paid in cash at least one regular monthly payment or assessment as herein provided per one thousand dollars of indemnity to be effected, which payments in the aggregate shall amount to at least twenty-five hundred dollars, all of which shall be credited to the mortuary or disability fund on account of such applicants and no part of which may be used for expenses.

Said advanced payments shall during the period of organization be held in trust for and, if the organization is not completed within one year as hereinafter provided, returned to said applicants.

The superintendent of insurance may make such examination and require such further information as he deems advisable and upon presentation of satisfactory evidence that the association has complied with all the provisions of the law he shall issue to such association a certificate to that effect. Such certificate shall be prima facie evidence of the existence of such association at the date of such certificate. The superintendent of insurance shall cause a record of such certificate to be made and a certified copy of such a record may be given in evidence with like effect as the original certificate.

No preliminary certificate granted under the provisions of this section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the superintendent of insurance, upon cause shown, unless the five hundred applicants herein required have been secured and the organization has been completed as herein provided, and the articles of association and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such association shall have completed its organization and commenced business as herein provided. When any domestic association shall have discontinued business for the period of one year, its charter shall become null and void.

Powers retained; re-incorporation; amendments.

SECTION 13. (Powers retained—reincorporation—amendments.) Any association now engaged in transacting business in this state, may exercise, after the passage of this act, all of the rights conferred thereby, and all of the rights, powers and privileges now exercised or possessed by it under its charter or articles of association not inconsistent with this act, or it may be reincorporated hereunder. But no association already organized shall be required to reincorporate hereunder, nor shall it be required to adopt the rates prescribed herein for new associations, in order to avail itself of the privileges of this act, and any such association may amend its articles of association from time to time in the manner provided therein, or in its constitution or laws, and all such amendments shall be filed with the superintendent of insurance and shall become operative upon such filing unless a later time be provided in such amendments, or in its articles of association, constitution or laws.

Transfer of membership.

SECTION 14. (Transfer of membership.) No domestic association shall transfer its membership or funds to any association not authorized by the superintendent of insurance to transact business in this state; nor shall any such association transfer its membership or funds to any licensed association, unless the said contract of transfer has been approved by [a] two-thirds vote of the members of the supreme body of the association whose membership is proposed to be transferred; and by [a] two-thirds vote of the trustees or board having charge of the association proposing to take such membership.

Remedies.

SECTION 15. (Remedies.) No member of any association organized or operating under the provisions of this act, or his beneficiary, or his legal representatives, or any other person in any way interested in any of his benefits, or any person deriving legal rights from him, shall commence any action or other legal proceedings in any of the courts of this state, on account of his contract of insurance, against the supreme or governing body of such association, until after he shall have exhausted all the remedies provided in the constitution and laws of such association by appeals and otherwise, that can be determined within one year after the filing of proof of death or disability.

Annual license.

SECTION 16. (Annual license.) Associations which are now authorized to transact business in this state may continue such business until the first day of April next succeeding the passage of this act, and the authority of such associations may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding April. For each such license or renewal, the association shall pay the superintendent of insurance twenty-five dollars. A duly certified copy of such license shall be prima facie evidence that the licensee is a fraternal beneficiary association within the meaning of this act.

SECTION 17. (Admission of foreign associations.)

Admission of
foreign asso-
ciations.

No foreign association now transacting business, organized prior to the passage of this act, which is not now authorized to transact business in this state, shall transact any business therein without a license from the superintendent of insurance. Any such association shall be entitled to a license to transact business within this state upon filing with the superintendent a duly certified copy of its charter or articles of association; a copy of its constitution or laws, certified by its secretary or corresponding officer, a power of attorney to the superintendent as hereinafter provided; a statement, under oath, of its president and secretary or corresponding officer, in the form required by the superintendent, duly verified by an examination made by the supervising insurance official of its home state of its business for the preceding year; a certificate from the proper official in its home state, province or country, that the association is legally organized; a copy of its contract, which must show that benefits are provided for by assessments upon, or other payments by, persons holding similar contracts and upon furnishing the superintendent such other information as he may deem necessary to a proper exhibit of its business and plan of working, and upon showing that its assets are invested in accordance with the laws of the state, territory, district, province or country where it is organized, he shall issue a license to such association to do business in this state until the first day of the succeeding April, and such license shall, upon compliance with the provisions of this act, be renewed annually, but in all cases to terminate on the first day of the succeeding April. Nothing contained in this act shall in any manner be so construed as to require any such foreign association, not now authorized to transact business in this state to conform its rates of assessment to those prescribed by the national fraternal congress mortality table as a condition precedent to the securing of such license or any renewal thereof. Any foreign association hereafter organized, desiring admission to this state, shall in addition to the foregoing requirements of this section, show that it collects from all of its members for death benefits, assessments not lower than those required by the national fraternal congress mortality table, with interest at four per cent., and shall have the further qualifications required of domestic associations organized under this act and have its assets invested as required by the laws of the state, territory, district, country or province where it is organized. For each such license or renewal, the association shall pay the superintendent twenty-five dollars. When the superintendent refuses to license any association or revokes its authority to do business in this state, he shall reduce his ruling, order or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the association, upon request, and the action of the superintendent

shall be reviewable by proper proceedings in any court of competent jurisdiction within this state; provided, however, that nothing contained in this or the preceding section shall be taken or construed as preventing any such association from continuing in good faith all contracts made in this state during the time such association was legally authorized to transact business therein.

Power of attorney and service of process.

SECTION 18. (Power of attorney and service of process.) Every foreign association now transacting business in this state shall within thirty days after the passage of this act and every such association hereafter applying for admission, shall before being licensed, appoint in writing the superintendent of insurance and his successors in office to be its true and lawful attorney upon whom all legal process in any action or proceeding against it shall be served and in such writing shall agree that any lawful process against it, which is served upon such attorney shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in this state.

Copies of such appointment, certified by said superintendent of insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service may only be made upon such attorney, must be made in duplicate and shall be deemed sufficient service upon such association; provided, however, that no such service shall be valid or binding against any such association when it is required thereunder to file its answer, pleading or defense in less than thirty days after the date of such service. When legal process against any such association is served upon said superintendent of insurance, he shall forthwith forward by registered mail one of the duplicate copies, prepaid and directed to its secretary or corresponding officer. The plaintiff in such process so served shall pay to the superintendent of insurance for the use of the state at the time of such service a fee of two dollars, which shall be recovered by him as part of the taxable costs, if he prevails in the suit.

Place of meeting, location of office.

SECTION 19. (Place of meeting—location of office.) Any domestic association may provide that the meetings of its legislative or governing body may be held in any state, district, province or territory wherein such association has subordinate branches, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this state. But its principal office shall be located in this state.

No personal liability.

SECTION 20. (No personal liability.) Officers and members of the supreme, grand or any subordinate body of any such incorporated association shall not be individually liable for the payment of any disability or death benefit, provided for in the laws and contracts of such as-

sociation, but the same shall be payable only out of the funds of such association and in the manner provided by its laws.

SECTION 21. (Waiver of the provisions of the laws.) The constitution and laws of the association may provide that no subordinate body, nor any of its officers or members shall have the power or authority to waive any of the provisions of the laws and constitution of the association, and the same shall be binding on the association and each and every member thereof.

Waiver of the provisions of the laws.

SECTION 22. (Separate jurisdiction provisions.) All grand lodges by whatever name known, whether incorporated or not, holding charters from a supreme governing body, which are conducting business in this state upon the passage of this act as a fraternal beneficiary association upon what is known as the separate jurisdiction plan, shall be treated as a federation of grand lodges and not as single state organizations, and all reports required by the provisions of this act shall be made and furnished by the officers of such supreme governing body and shall embrace and contain the transactions, liabilities and assets of the entire order.

Separate jurisdiction provisions.

SECTION 23. (Constitution and laws—amendments.) Every association transacting business under this act shall file with the superintendent of insurance a duly certified copy of all amendments of, or additions to, its constitution and laws within ninety days after the enactment of the same. Printed copies of the constitution and laws and of additions or amendments thereto, certified by the secretary or corresponding officer of the association shall be prima facie evidence of the legal adoption thereof.

Constitution and laws; amendments.

SECTION 24. (Annual reports.) Every association transacting business in this state, shall annually on or before the first day of March file with the superintendent of insurance in such form as he may require, a statement under oath of its president and secretary, or corresponding officers, of its condition and standing on the thirty-first day of December next preceding and of its transactions for the year ending on that date, and shall, also, furnish such other information as the superintendent may deem necessary to a proper exhibit of its business and plan of working. The superintendent may at other times require any further statement he may deem necessary to be made relating to such associations.

Annual reports.

SECTION 25. (Examination of domestic associations.) The superintendent of insurance, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic association. He may employ assistants for the purposes of such examination and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the association and may summon and qualify as witnesses under oath and examine its officers, agents, employees and other persons in relation to the affairs, trans-

Examination of domestic associations.

actions and condition of the association. The expenses of such examination shall be paid by the state treasurer on the warrant of the state auditor on the certificate of the superintendent of insurance from the proper appropriations.

Whenever after examination the superintendent is satisfied that any domestic association has failed to comply with any provision of this law or is exceeding its powers, or is not carrying out its contracts in good faith; or is transacting business fraudulently; or whenever any domestic association, after the existence of one year or more shall **have a membership** of less than three hundred, or votes to discontinue business, the superintendent of insurance may present the facts relating thereto to the attorney-general, who shall, if he deem the circumstances warrant, commence an action in quo warranto in a court of competent jurisdiction and such court shall thereupon notify the officers of such association of a hearing, and unless it shall then appear that some special and good reason exists why such association should not be closed, said association shall be enjoined from carrying on any further business, and some person shall be appointed receiver of such association and shall proceed at once to take possession of the books, papers, moneys, and other assets of the association and shall forthwith, under the direction of the court, proceed to close the affairs of the association and to distribute its funds to those entitled thereto. No such proceeding shall be commenced by the attorney-general against any such association until after notice has been duly served on the chief executive officers of the association and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced.

Application for
receiver, etc.

SECTION 26. (Application for receiver, etc.) No application for injunction or other proceedings for the dissolution of, or the appointment of a receiver for, any such domestic association or branch thereof shall be entertained by any court in this state unless the same is made by the attorney-general.

Examination
of foreign
associations.

SECTION 27. (Examination of foreign associations.) The superintendent of insurance, or any person whom he may appoint, may examine any foreign association transacting or applying for admission to transact business in this state. The superintendent may employ assistants for the purpose of such examination and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the association and may summon and qualify as witnesses under oath and examine its officers, agents, employees and other persons in relation to the affairs, transactions and condition of the association. He may in his discretion accept in lieu of such examination the examination of the insurance department of the state, territory, district, province or country where such association is organized. All examinations made un-

der the provisions of this section shall be made without expense to the association examined.

If any such association or its officers refuse to submit to such examination or to comply with the provisions of this section relating thereto, the authority of such association to transact business in this state shall be revoked until satisfactory evidence is furnished the superintendent relating to the condition and affairs of the association and during such revocation the association shall not transact any business in this state.

SECTION 28. (Revocation of license.) When the superintendent on investigation is satisfied that any foreign association transacting business under this act has exceeded its powers, or has failed to comply with any provision of this law, or is conducting business fraudulently, or is not carrying out its contract in good faith, he shall notify the president and secretary, or other officers corresponding thereto, of his findings, and state in writing the grounds of his dissatisfaction and after reasonable notice require said association on a date named to show cause why its license should not be revoked. If on the date named in said notice such objections have not been removed to the satisfaction of the superintendent, or the association does not present good and sufficient reasons why its authority to transact business in this state should not at that time be revoked, he may revoke the authority of the association, to continue business in this state. All decisions and findings of the superintendent made under the provisions of this section may be reviewed by proper proceedings in any court of competent jurisdiction as provided in section seventeen of this act.

Revocation of license.

SECTION 29. (Exemption of certain associations.) Nothing contained in this act shall be construed to affect or apply to grand or subordinate lodges of Masons, Odd Fellows, or Knights of Pythias (exclusive of the insurance branch of the supreme lodge Knights of Pythias), or to similar orders which do not issue insurance certificates, nor to local lodges of an association now doing business in this state, that provide death benefits not exceeding three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both; nor to any contracts of reinsurance of or between such local lodges of such association now doing business on such plan in this state, nor to domestic associates [associations] which limit their membership to the employees of a particular city or town, designated firm, business house or corporation; nor to domestic lodges, orders, or associations of a purely religious, charitable and benevolent description, which do not operate with a view to profit and which do not provide for a death benefit of more than one hundred dollars, or for disability benefits of more than one hundred and fifty dollars to any one person in any one year, provided always that any such domestic

Exemption of certain associations.

order or association which has more than five hundred members, and provides for death or disability benefits and any such domestic lodge, order or association which issues to any person a certificate providing for the payment of benefits, shall not be exempt by the provisions of this section, but shall comply with all the requirements of this act. The superintendent of insurance may require from any association such information as will enable him to determine whether such association is exempt from the provision of this act. No association which is exempt by the provision of this section from the requirements of this act shall give or allow or promise to give or allow to any person any compensation for procuring new members.

Penalties.

SECTION 30. (Penalties.) Any person, officer, member or examining physician, who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any association transacting business under this act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court, and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such association, for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury.

Any person who shall solicit membership for, or in any manner assist in procuring membership in, any association not licensed to do business in this state; or who shall solicit membership for, or in any manner assist in procuring membership in, any such association not authorized as herein provided to do business as herein defined in this state, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Any association, or any officer, agent or employee thereof, neglecting or refusing to comply with, or violating any of the provisions of this act, the penalty for which neglect, refusal or violation is not specified in this section, shall be fined not exceeding two hundred dollars upon conviction thereof.

Construction.

SECTION 31. (Construction.) The word "association" as used in this act shall be taken and construed as meaning a fraternal beneficiary corporation, society, order or voluntary association as defined in section 1. The words "domestic association" shall be taken and construed as

meaning an association organized or incorporated under the laws of this state. The words "foreign association," shall be taken and construed as meaning an association organized or incorporated under the laws of another territory, district, state, province or country. All provisions of each section of this act except as otherwise provided shall be taken and construed as applying to both domestic and foreign associations.

In event of a vacancy in the office of the superintendent of insurance or in the absence or disability of that officer the deputy superintendent of insurance shall perform all the duties required of the superintendent by this act.

SECTION 32. The act of the general assembly of the state of Ohio entitled "An act regulating fraternal beneficiary societies, orders and associations," passed April 27, 1896 (sections 3631-11, 3631-12, 3631-13, 3631-14, 3631-15, 3631-16, 3631-17, 3631-18, 3631-19, 3631-20, 3631-21, 3631-22 and 3631-23, Revised Statutes) and the act of the general assembly of the state of Ohio entitled "An act to amend section 3631-13 of the Revised Statutes of Ohio," passed May 12, 1902, be and the same are hereby repealed. Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

243G

Governor.

[House Bill No. 416.]

AN ACT

To amend section 267 of the Revised Statutes of Ohio, relating to the superintendent of insurance.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 267 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 267. Before entering upon the discharge of his duties, the superintendent shall give bond to the state in the sum of one hundred thousand dollars with not less than two sureties, to be approved by the governor, conditioned for the faithful discharge of his duties; and the bond, with his oath of office and the approval of the governor endorsed thereon, shall be filed with the secretary of state.

Superintendent of insurance:

Bond to be given, and, with oath of office indorsed thereon, to be filed with secretary of state.

SECTION 2. That said original section 267 be and the same is hereby repealed. Repeals.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

244G

Governor.

[House Bill No. 375.]

AN ACT

To provide for the improvement of the National road in Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Provision for
the improve-
ment of the
National road.

SECTION 1. That in any county in the state of Ohio, through which the National road extends, where such county has money in the county treasury collected as tolls on such National road, the commissioners of said county shall cause said money to be expended on the National road for the improvement of the same within a period of eight months from the passage of this act; and thereafter all tolls collected on such National road shall be expended on the same as above directed, within a period of one year from each semiannual settlement of the county commissioners; provided, however, that such commissioners may hold in the county treasury a reserve fund not to exceed one thousand dollars of tolls collected to be expended on such National road at such times as they may deem proper.

Suspension of
collection
of tolls.

SECTION 2. If at the time of the passage of this act the National road in any county in the state of Ohio is not in such condition, through said entire county, as in the judgment of the commissioners of said county, makes it a toll road by reason of its not being well stoned and drained, then the collection of tolls in such county shall be suspended until said entire road through such county is well drained and stoned.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

245G

Governor.

[Senate Bill No. 94.]

AN ACT

To provide for the care of burial grounds and monuments for soldiers and sailors.

Be it enacted by the General Assembly of the State of Ohio:

County com-
missioners au-
thorized to
care for por-
tion of ceme-
tery set apart
for burial of
soldiers and
sailors.

SECTION 1. In any county having a cemetery or part thereof set apart for the burial of soldiers and sailors of the United States, or containing a monument erected to their memory, or any like monuments and memorials erected by private or public expense, to the memory of soldiers or sailors who fought to establish, or in defense of the union, the county commissioners of such county are authorized and required to care for and properly preserve that portion of such cem-

etery as is so set apart for the burial of such soldiers and sailors; and also to care for and properly preserve such monument or monuments or memorials.

Said county commissioners shall pay all expense incident thereto out of the general fund of the county.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.
Approved April 26.

MYRON T. HERRICK,
Governor.
246G

[House Bill No. 418.]

AN ACT

To amend section 3630i of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3630i of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3630i. Companies consisting of five or more citizens of Ohio may be organized under this chapter and section for the special purpose of insuring against accidental personal injury and loss of life, sustained while traveling by railroad, steamboat or other mode of conveyance, and making all and every insurance connected with accidental loss of life and personal injury, sustained by accident of every description whatever, and against expenses and loss of time occasioned by injury or sickness, and on such terms and conditions, and for such periods of time, and confined to such countries and localities, and to such persons as from time to time may be provided in the by-laws of the company; and the expenses of such corporation, companies or associations shall be met by fixed annual payments, payable quarterly or otherwise or by assessments on the members, payable as may be provided in the by-laws; and on either plan there may be included in such payments or assessments, a certain per cent. thereof, to be fixed by the by-laws, which when collected, shall be credited on the books of the company to the expense fund, and the residue thereof shall be so credited to the fund to pay losses and create a reserve or guarantee fund for the payment of losses and liabilities, and said funds shall be kept separate and shall never be interchanged or used for purposes other than those for which they were respectively collected as aforesaid; provided that any funds collected for, but not required for expenses, may be transferred to the fund for payment of losses or the reserve or guarantee fund; provided, that the

Life insurance companies:

Against personal injury and loss of life; against expenses and loss of time occasioned by injury or sickness; expenses, how met; expense, loss, and guaranty funds; separation of such funds; notice of persons assessed; bond required only of purely accident companies.

assessed shall be notified at the time of the collection of each payment the per cent. thereof that is collected to pay expenses, and the per cent. thereof that is collected to pay losses and create a guarantee fund; but nothing herein shall prevent the company from distributing to certificate holders the surplus in the accident fund and the surplus arising from the reserve on lapsed and cancelled certificates as provided by the by-laws of the company; and provided, that companies organized under the provisions of this section shall, before engaging in business as provided in this section, execute a bond in the sum of one hundred thousand dollars to the state of Ohio, with security to the acceptance and approval of the superintendent of insurance, for the use and benefit of all persons holding policies or certificates in such company, conditioned that such company shall credit upon the books of said company, all moneys received by it under the provisions of this section, keep the funds separate and not use or interchange them for purposes other than those for which they were respectively collected, and that they will apply and pay out said funds to and for the purposes provided for in this section, which bond, when so executed and approved, shall be deposited with and held by the superintendent of insurance. Provided further, that any corporation, company or association, organized for the purpose of doing a purely accident insurance business, and which corporation, company or association, creates a reserve or guarantee fund from the premiums collected by assessments or otherwise, as provided in the by-laws of the corporation, company or association, shall not be subject to the preceding part of this section, relating to the deposit of a bond in the sum of one hundred thousand dollars; but the treasurer of all such corporations, companies or associations shall, before commencing business, deposit with the superintendent of insurance a bond with approved securities, to the acceptance of said superintendent in the sum of ten thousand dollars, for the use and purposes provided in the preceding portion of this section; and every such corporation, company or association shall invest, as provided in section 3598 of the Revised Statutes of Ohio, so much of the reserve or guarantee fund, in excess of ten thousand dollars, as shall equal at least two and one-half per cent. of all premiums or assessments collected from policies or certificates in force, on the last day of June and December of each year, until said reserve or guarantee fund shall be equal to two dollars for every five thousand dollars of insurance in force; securities for said reserve, as herein provided, shall be deposited with the superintendent of insurance on the last day of June and December of each year, or within thirty days thereafter, to be held by said superintendent for the benefit and protection of policy or certificate holders. Provided, that if such corporation, company or association shall at any time cause all of its unexpired policies or certificates to be paid, cancelled or reinsured, and all its liabilities under such policies or certificates

thereby to be extinguished, or to be assumed by some other responsible company authorized to do business in this state, the superintendent of insurance shall on application of such company, verified by the oath of its president or secretary, and on being satisfied by an examination of its books and of its officers, under oath, that all of its policies or certificates are so paid, cancelled, extinguished or reinsured, deliver up to it such security. Any corporation, company or association, or officer thereof, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail where said officer resides for not less than thirty days nor more than one year, or both, at the discretion of the court. Every such association shall, annually, before March first, file with the superintendent of insurance a statement under the oath of its officers showing its transactions for the year ending on the thirty-first day of December preceding, and its condition on that day, in the form prescribed by the superintendent.

SECTION 2. That said original section 3630i be and **Repealed.** the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
247G

[House Bill No. 415.]

AN ACT

To amend section 279 of the Revised Statutes of Ohio, relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 279 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 279. The superintendent shall, annually, make or cause to be made, net valuations of all outstanding policies, additions thereto, unpaid dividends, and all other obligations of every life insurance company transacting business in this state; and for the purpose of such valuations, and for making special examinations of the condition of life insurance companies, as provided in the laws of this state relating to life insurance companies, and for valuing all policies of whatever description, and for any purpose whatever, the rate of interest shall be four per cent. per annum, and the

Superintendent of insurance:
Annual valuations; rate of interest, etc., exception.

rate of mortality shall be established by the tables known as the American experience tables, but such valuations may be made according to the standards of valuation adopted by the company for the obligations to be valued, provided the total valuation determined by any such standards for the obligations for which they have been adopted shall not be less than that determined by the legal minimum standard herein prescribed, but when the laws of any other state of the United States authorize a valuation of life insurance policies, by some designated state officer, according to the standard herein provided, or according to any other standard which makes the value of the policy not less than that of the standard herein provided, the valuation made according to the said standard, by such officer of the policies and other obligations of any life insurance company not organized under the laws of this state, and certified by said officer, may be received as true and correct, and no further valuation of the same shall be required of such company by the superintendent of insurance, except that in no case shall the superintendent of insurance accept the certificate of valuation of such officer of another state of the United States, when such officer does not accept, or refuses or fails to accept a like certificate from him of the valuation of the policies of any life insurance company incorporated under the laws of Ohio; or when any such officer of another state is prohibited by law from accepting the certificate of valuation of the superintendent of insurance of this state, the said superintendent shall forthwith require the officers of all companies located in such state to submit to him within a reasonable time, the descriptions of the policies thereof for valuation, and he shall proceed to make, or cause to be made, a valuation thereof according to the standard herein named, and in case said descriptions are not submitted to the said superintendent within the time fixed by him, he shall revoke the license of such company or companies as shall fail to do so and shall refuse to renew the same until such descriptions shall be submitted and a valuation by him shall have been completed.

Repeals.

SECTION 2. That said original section 279 be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
 248G

[House Bill No. 169.]

AN ACT

To amend sections 2916, 2917, 2918, 2919, 2921 and 2921a of the Revised Statutes of Ohio, relating to the conduct of party primary elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2916, 2917, 2918, 2919, 2921 and 2921a of the Revised Statutes of Ohio be amended so as to read as follows:

Primary
elections:

Sec. 2916. When any voluntary political association or party in any county, township or municipal corporation, by a vote of a majority of its executive or controlling committee, certified under oath by its chairman and secretary, shall cause notice of the holding of a primary election for the selection of party candidates, committeemen, delegates, or alternates to any party convention to be published, and shall make application therefor to the deputy state supervisors of elections or board of deputy state supervisors and inspectors of elections as the case may be, of such county, all as hereinafter provided, such primary election shall be held and conducted under the provisions of this chapter.

When the
provisions of
this chapter
apply.

Sec. 2917. Such notice shall be ordered and such application made not less than ten days prior to the time fixed for the holding of such primary election, and such notice and application shall state the purpose, time, manner and conditions of the holding of such primary election, and shall prescribe the qualifications not inconsistent with the provisions of this chapter, of the persons to vote at such election; provided, however, in cities where registration of electors is required by law, none but registered electors shall be permitted to participate in such primary election, and the deputy state supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, when so requested in such notice and application, shall, prior to such primary election, make such provision as shall be reasonable for the transfer upon the registration books and the registration of all persons, who may qualify themselves to vote at the next general election to be held after such primary election; and provided, further, that such primary election shall be held at the regular polling places in each of the voting precincts in such county, township or municipal corporation, and shall continue for a period of not less than three consecutive hours, and shall close not later than seven o'clock p. m.

Time of
notice and
application.

Registration
cities.

Sec. 2918. At least ten days previous to any such election such notice shall be published in a newspaper printed and of general circulation in such county; but the publication shall not be required in any county in which no newspaper is printed; the notice shall also be posted in at least three public places in each precinct within the territory in which the election is to be held.

Notice; when
to be published
and posted.

**Conduct of
election.**

Sec. 2919. Subject to the provisions of such notice, such primary election shall be under the exclusive control and supervision of the deputy state supervisors of elections or board of deputy state supervisors and inspectors of elections as the case may be, of such county, who shall provide all ballots, poll-books, tally and summary sheets, other blanks and things necessary, and assign to each polling place two competent electors to act as judges and one competent elector to act as clerk of such primary election; provided, however, that such judges and clerks shall be of the political faith of the party holding such primary election and shall, whenever practicable, be the regular election officers. Such primary elections shall be conducted as required by the laws governing the conduct of general elections so far as the same may be applicable. The penalties provided for fraudulent voting in the sections of the Revised Statutes from seven thousand and thirty-nine to seven thousand and sixty-six, inclusive, shall be enforced for the same offenses at primary elections; and the judges and clerks shall be charged with the same powers and duties and be subject to the same penalties as the judges and clerks of general elections. At the close of each primary election, the judges and clerks shall forthwith proceed to count the votes cast and make return thereof to the deputy state supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, who together with the chairman of the executive or controlling committee ordering such primary election, shall constitute a canvassing board and shall canvass the returns of such primary election, determine all matters relative thereto and certify the result of such primary election to the executive or controlling committee ordering such primary election. Ties, if any there be, shall be determined by lot by such canvassing board. Provided, however, that for the purpose of determining the election of any candidate voted for in a single voting place only, the judges and clerks in charge of such voting place shall constitute such canvassing board, and shall have full power to declare the result and shall forthwith issue proper credentials of election. Judges and clerks shall be paid two dollars each for every such election and any judge or clerk delivering the returns as aforesaid to the deputy state supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, shall be allowed five cents a mile for the distance travelled by him in delivering same, and returning to his home. Deputy state supervisors of elections and deputy state supervisors and inspectors of elections shall each receive fifty cents per precinct and clerks of such boards seventy-five cents per precinct for such elections; provided, however, that the total compensation of such officers shall not exceed the maximum of compensation otherwise provided by law.

The expense of municipal primary elections shall be defrayed by the municipality in which the same is held. The expense of all other primary elections shall be defrayed by

the county. The deputy state supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, shall not be required to hold a primary election for any party which cast less than ten per cent. of the total vote cast in such county at the last general election, nor shall the deputy state supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, be required to hold more than two primary elections for the same party in any one year. No delegate or alternate to any political convention in this state shall have power by proxy or otherwise to designate another person to serve as a delegate in his place or stead, and any such delegate who shall give any power or proxy to another to serve in his place or stead, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars and not more than one hundred dollars. The voting booths, ballot-boxes, and other public property in the custody and control of the deputy supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, shall not be used for primary elections other than those held under the provisions of this act.

Sec. 2921. Thereupon one of the judges shall administer to the person offering to vote an oath that he will make true answers to such questions as may be put to him touching his qualifications to vote at such election and shall interrogate him as to his qualifications; if such person refuses to be sworn, or, being sworn, refuses to answer every question, his vote shall be rejected; but if the oath be taken and the questions answered satisfactorily and he be not successfully contradicted by the sworn testimony of witnesses who may be called, his oath shall be received and the word "sworn" shall be noted opposite his name on the poll-book.

Duty of the judges when vote challenged.

Sec. 2921a. Witnesses and challengers shall be admitted to the polling places in accordance with the reasonable regulations established by the executive or controlling committee ordering such primary election; and at all primary elections held within the boundary of any municipal corporation, during the receiving and counting of the ballots, no persons shall congregate or loiter upon the streets, alleys or sidewalks within one hundred feet of the polling place of any election, or within such distance of one hundred feet give or tender or exhibit any ballot or ticket to any person other than to a judge of the election, or exhibit any ticket or ballot which he intends to cast or within such distance solicit or in any way attempt to influence any elector in casting his vote. Any person wilfully refusing or neglecting to perform any of the duties prescribed in this act or any person wilfully violating the provisions thereof shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less than five nor more than fifty dollars, or imprisoned in the county jail not less than five days nor more than thirty days or both at the discretion of the court.

Witnesses and challengers admitted during receiving and count of votes; people to keep one hundred feet from polls; penalty.

SECTION 2. That original sections 2916, 2917, 2918, Repeals, etc.

2919, 2921 and 2921a of the Revised Statutes of Ohio, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after May 1st, 1904.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
249G

[House Bill No. 256.]

AN ACT

To amend section 3571 of the Revised Statutes of Ohio, relating to grounds and property belonging to cemetery associations.

Be it enacted by the General Assembly of the State of Ohio:

Cemetery
associations:

May acquire
land and
property.

SECTION 1. That section 3571 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3571. A company or association incorporated for cemetery purposes may purchase, appropriate, or take by gift or devise, and hold, not exceeding one hundred acres of land; also, any gift or devise, or any gift or devise in trust for the use of cemetery purposes, or the income from any such gift or devise for such cemetery purposes, according to the provisions of such gift or devise, or the provisions of such gift or devise in trust, all of which shall be exempt from execution, from taxation, and from being appropriated to any other public purpose, if used exclusively for burial purposes, and in no wise with a view to profit.

Repeals.

SECTION 2. That original section 3571 of the Revised Statutes of Ohio be and the same is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
250G

[House Bill No. 413.]

AN ACT

To amend sections 3643 and 3654 of the Revised Statutes of Ohio,
relating to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3648 and 3654 of the Revised Statutes of Ohio be amended so as to read as follows:

Insurance
companies
other than
life:

Sec. 3648. No fire insurance company organized under any law of this state shall make any dividend except from the surplus profits arising from its business; and in estimating such profits there shall be reserved therefrom:

Dividends to
be payable
from surplus
profits only.

First. An unearned premium fund computed in accordance with the requirements of section thirty-six hundred and fifty-four of the Revised Statutes.

Second. All sums due the company on bonds and mortgages, bonds, stocks, and book accounts, of which no part of the principal nor the interest thereon has been paid during the preceding year, and on which an action has not been commenced, or which, after judgment obtained thereon, has remained more than two years unsatisfied, and on which interest has not been paid; and

Third. All interest due or accrued, and remaining unpaid, for which the company does not hold securities as hereinbefore provided. Any dividend made contrary to the provisions of this section shall subject the company which makes the same to a forfeiture of its charter, and each stockholder who receives it to a liability to the creditors of the company to the extent of the dividend received, besides the other penalties and punishments prescribed by law; but this section shall not prevent the declaration of scrip dividends by participating or mutual companies, yet no such scrip dividend shall be declared to an amount in excess of or be paid except from profits, after reserving all sums above provided including the whole amount of premiums on unexpired risks; and the word "year," wherever used in this section shall be construed to mean the calendar year, and the "profits" of a mutual insurance company are that portion of its cash funds not required for payment of losses and expenses nor set apart for any purpose required by law. Any such company may in its by-laws, provide for the accumulation of a permanent fund, by reserving a portion of the net profits, to be invested and be a reserve for the security of the insured. When the business of such company is confined to the state of Ohio, such reservation shall not exceed twenty-five per cent. of said net profits; and when the sum so accumulated amounts to two per cent. of the sum insured by all policies in force, the whole of the net profits thereafter shall be divided among the insured at the expiration of their policies. But any such company doing business outside the state of Ohio may set aside and thereafter maintain a permanent fund

Scrip dividends by participating or mutual companies; interpretation of word "year" and "profits."

Accumulation of a permanent fund.

Rights of
policy holder
after determi-
nation of
policy.

Annual re-
ports of com-
panies.

equal to the minimum amount of net cash assets or capital required to do business in any other state or states according to the insurance laws thereof. The permanent fund so accumulated shall be used for the payment of losses and expenses, whenever the cash funds of the company in excess of an amount equal to its liabilities are exhausted; and whenever the said fund is drawn upon, the reservation of profits as aforesaid shall be renewed or continued until the limit of accumulation as herein provided is reached, but within a reasonable time after the determination of any policy the owner thereof shall be entitled to receive and shall be paid his pro rata share of all net profits not included in the aforesaid permanent fund, and a scrip dividend for his contribution to said fund.

Sec. 3654. The president or vice-president and secretary of each insurance company organized under any law of this or any other state, and doing business in this state, shall, annually, on the first day of January, or within thirty days thereafter, prepare, under oath, and deposit in the office of the superintendent of insurance a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, and in the following form, namely:

First. The amount of the capital stock of the company, specifying the amount paid and unpaid.

Second. The property or assets held by the company, specifying:

1. The value of the real estate owned by such company, where it is situated and the value of buildings thereon.

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same is deposited.

3. The amount of cash in the hands of agents and in course of transmission.

4. The amount of loans secured by bonds and mortgages, which are first liens on real estate, and on which there is less than one year's interest due.

5. The amount of loans on which interest has not been paid within one year.

6. The amount due the company on which judgments have been obtained and the cash value thereof.

7. The amount of stocks in this state, the United States, of any city of this state, and of any other stocks owned by the company, specifying the amount, number of shares, and the par and market value of each kind of stock.

8. The amount of stock held as collateral security for loans with the amount loaned on, and the par and market value of each kind of stock.

9. The amount of unpaid assessments on stock, premium notes or contingent liabilities.

10. The amount of interest due and unpaid and the amount of interest accrued but not due.

11. The amount of premium notes or contingent liabilities on which policies are issued.

12. The number of policies in force.

13. The amount insured under all policies in force.

14. The amount of premiums received thereon.

15. The amount and description of all other assets.

Third. The liabilities of the company, specifying:

1. The amount of losses due and unpaid.

2. The amount of claims for losses resisted by the company.

3. The amount of losses incurred during the year, including those claimed and not due, and those reported to the company upon which no action has been taken.

4. The amount of dividends declared and due and remaining unpaid.

5. The amount of dividends either cash or scrip, declared but not due.

6. The amount of money borrowed and the security given for the payment thereof.

7. The amount required for reinsurance, being in stock companies a sum equal to fifty per cent. of the whole amount of premiums, received and receivable on unexpired risks and policies running one year or less from date of policy and a pro rata amount of all premiums, received and receivable, on unexpired risks and policies running more than one year from date of policy; and in mutual companies a sum equal to fifty per cent. of the cash premiums on unexpired risks and policies running one year or less from date of policy and a pro rata amount of all cash premiums on unexpired risks and policies running more than one year from date of policy. Provided that all companies shall be charged the full amount of premiums, received and receivable, on all unexpired ocean marine risks.

8. The amount of all other existing claims against the company.

Fourth. The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.

2. The amount of notes or contingent assets received for premiums.

3. The amount of interest money received.

4. The amount of income received from other sources.

Fifth. The expenditure during the preceding year, specifying:

1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in each preceding statement.

2. The amount of dividends paid during the year.

3. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company.

4. The amount paid for taxes.
5. The amount of all payments and expenditures.
6. Amount of scrip dividend declared.

Mutual insurance companies.

Every mutual fire insurance company created by or organized under any general or special law or act, and doing business in Ohio under any law of this state, upon or without the premium note plan, which shall, by its policy, by-laws or published statements of its financial affairs, claim the benefit of the guarantee fund, or the contingent liability of its policy holders, as provided for in section 3634 of the Revised Statutes, as now in force, shall be held as having organized under the laws of this state as now in force, and be governed by all the provisions thereof as applicable to such companies; and every such mutual fire insurance company that shall neglect or refuse to make and forward to the superintendent of insurance such annual report of its affairs as is required by law, or shall refuse to allow or permit the superintendent of insurance free access to its books and papers, and investigate the financial standing of such companies, the charter of every such company organized under the laws of this state as aforesaid, and so neglecting and refusing, shall thereby become forfeited, and the said superintendent of insurance shall proceed without delay to bring the affairs of such company to a close.

Repeals.

SECTION 2. That said original sections 3648 and 3654 be and the same are hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

Governor.
251G

[Senate Bill No. 43.]

AN ACT

To amend section 1 of an act entitled "An act to authorize insurance companies to reinsure their risks," passed April 14, 1884.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act to authorize insurance companies to reinsure their risks," passed April 14, 1884, be amended to read as follows:

Sec. 1. That any fire, marine, fidelity, accident, plate-glass, boiler or other insurance company now or hereafter organized or existing under or by virtue of the laws of Ohio shall have authority by and with the consent and approval of the superintendent of insurance to reinsure any

Insurance companies other than life:

Companies may reinsure their risks.

and all risks undertaken by it in any company authorized by law to transact a similar class of insurance business in this state, but nothing herein contained shall prevent any such company organized under the laws of this state from reinsuring any risks or fractional parts thereof not situated in this state in any company or companies duly licensed by the superintendent of insurance, or like authority, of the state in which such risks may be located, to transact the business of insurance in such state.

SECTION 2. Said original section 1 of an act entitled "An act to authorize insurance companies to reinsure their risks," passed April 14, 1884, is hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 26th.

MYRON T. HERRICK,

Governor.

252G

[Senate Bill No. 168.]

AN ACT

To amend section 1697 of the Revised Statutes of Ohio, relating to the mode of publication of ordinances in a municipal corporation where there is no newspaper published.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1697 of the Revised Statutes of Ohio be amended so as to read as follows:

Municipal
corporations:

Sec. 1697. In all municipal corporations in which there is no newspaper published it shall be sufficient publication of ordinances, resolutions, statements, orders, proclamations, notices and reports required by "An act to provide for the organization of cities and incorporated villages," passed October 22, 1902, (96 O. L. extraordinary session, 1902) which require publication, to post up copies of such ordinance, resolution, statement, order, proclamation, notice or report at not less than five of the most public places in the corporation, to be determined by the council, for a period of not less than fifteen days prior to the taking effect thereof, except advertising for bids for the construction of public improvements, which shall be published in at least one newspaper of general circulation in the corporation for not less than two nor more than four consecutive weeks, and notices of the sale of bonds which notices shall be published in such manner and for such time as is provided for in section 97 of "An act to provide for the organization of cities [and] incorporated villages," passed October 22, 1902, (96 O. L. extraordinary session, 1902).

Publication
of ordinances,
resolutions,
etc.

The clerk shall make a certificate of such posting and the times, [when], and places where done, in the manner provided in the preceding section; and such certificate shall be prima facie evidence that the copies were posted up as required.

Repeals.

SECTION 2. That section 1697 of the Revised Statutes of Ohio, be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 26th.

MYRON T. HERRICK,

Governor.

253G

[House Bill No. 486.]

AN ACT

To amend section 2107 of the Revised Statutes authorizing commissioners of any county to unite with any city or village located in such county for the establishing of workhouses, and to repeal an act entitled, "An act to authorize the commissioners of Greene county to issue bonds, and for the government of the workhouse, passed March 10, 1886."

Be it enacted by the General Assembly of the State of Ohio:

Reformatory
institutions:

SECTION 1. That section 2107 of the Revised Statutes be amended to read as follows:

Commis-
sioners may
unite with
city in erect-
ing work-
house.

Sec. 2107. The commissioners of any county may unite with any city or village located in such county in the acquirement or erection, management and maintenance of a workhouse for the joint use of such county and city, or village, upon such terms as such county and city, or village may agree; and the commissioners are authorized to levy and collect the necessary funds therefor from the taxable property of the county; that the workhouse shall be managed and controlled by a joint board composed of the county commissioners and the board of public service of the city or the board of trustees of public affairs in villages; the said joint board shall have all the powers and duties in the management, control and maintenance of such workhouse as are conferred upon the board of public service in cities, and in addition thereto such board shall also have the right to construct sewers for said workhouse and pay for the same out of the funds raised by taxation for the maintenance of such institution and such board shall also have power to lease or purchase suitable property and buildings for a workhouse, or real estate, for the purpose of erecting and maintaining, a workhouse thereon, provided that said board shall not expend more than \$10,000.00 for any such purpose unless the amount be approved by a majority of the voters

of the county, exclusive of the city or village voting at some general election.

SECTION 2. That said original section 2107 be and the same is hereby repealed.

SECTION 3. That the act entitled "An act to authorize the commissioners of Greene county to issue bonds, for the government of the workhouse," passed March 10, 1886, be and the same is hereby repealed. Repeals.

SECTION 4. That the act entitled "An act to supplement section eight (8) of an act entitled 'An act to authorize the commissioners of Greene county to issue bonds for the government of the workhouse,' passed March 10, 1886, passed April 14, 1900," be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

Governor.

254G

[House Bill No. 567.]

AN ACT

To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1904.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to pay deficiencies and liabilities as herein specified, existing prior to February 15, 1904, to-wit: Appropriation to pay unauthorized deficiencies.

State House and Grounds.

Care and repair heating apparatus.....	\$668.71
Material and repairs	214.48
The D. C. Beggs Company, for decoration of state house for Dewey day exercises	25.00

Ohio National Guard.

For horses killed and injured at state camp ground:	
William M. Wilson	75.00
Treasurer battery D, for horse furnished by J. Q. Adams	125.00
Zelora S. Forry	128.33
William Henry	70.00
James Bornor	130.00

Appropriation
to pay un-
authorized
deficiencies.

Expenses of eighth regiment at national manœuvre encampment at West Point, Kentucky.....	6,550.69
Expenses for sending troops to dedication of Louisiana purchase exposition, and interest.....	8,328.90
Expenses of Corporal Winder to England, and interest	518.35
Charles A. Vandament, for services in encampment during Spanish-American war.....	22.00
M. I. Wilcox Company, for supplies furnished Ohio naval reserve	280.41
For the relief of Paul Schaaf, late member Co. K, 6th Reg't. O. N. G.....	500.00
For the relief of Mrs. Sarah Smith, Cincinnati...	750.00

Attorney-General's Department.

John W. McCafferty, clerk of courts, Franklin county, court costs in cases as follows:	
The State of Ohio, ex rel. F. S. Monnett, attorney-general, v. The Cleveland & Sandusky Brewing Company, No. 1,569, circuit court..	12.39
The State of Ohio, ex rel. F. S. Monnett, attorney-general, v. The Lake Shore Building & Loan Company, No. 1,643, circuit court.....	27.85
The State of Ohio, ex rel. F. S. Monnett, attorney-general, v. The Lucas County Manufacturers' Mutual Insurance Association, No. 1,665, circuit court	11.55
The State of Ohio, ex rel. M. E. Connell, v. A. I. Vorys, superintendent of insurance, No. 1,777, circuit court	8.00
The State of Ohio, ex rel. J. M. Sheets, attorney-general, v. The P., C., C. & St. L. Ry. Co., No. 1,785, circuit court	18.09
The State of Ohio, ex rel. J. M. Sheets, attorney-general, v. The Manhattan Athletic Club, No. 1,858, circuit court.....	5.20
The State of Ohio, ex rel. J. M. Sheets, attorney-general, v. The Abbey Athletic Club Company, No. 1,874, circuit court.....	8.74
The State of Ohio, ex rel. J. M. Sheets, attorney-general, v. The Amazon Insurance Company, No. 1,911, circuit court.....	20.02
Merchants & Manufacturers National Bank v. board of trustees "O. S. U.," No. 38,667, common pleas court	82.00
The State of Ohio v. Wm. A. Proctor, et al., No. 41,833, common pleas court.....	24.24
The State of Ohio v. The Grand Rapids Fire Insurance Company, No. 44,660, common pleas court	9.41
The State of Ohio v. W. M. Beavers, et al., No. 44,742, common pleas court	15.11

The State of Ohio v. The L. Martin Company, No. 45,872, common pleas court	6.59	Appropriation to pay un- authorized deficiencies.
The State of Ohio, ex rel. F. S. Monnett, attor- ney-general, v. The Findlay Building & Loan Association, No. 1,489, circuit court.....	14.82	
The State of Ohio, ex rel. M. E. Connell, v. A. I. Vorys, superintendent of insurance, No. 1,777, circuit court	9.06	
The State of Ohio, ex rel. J. M. Sheets, attorney- general, v. The Union Depot Company, No. 1880, circuit court	16.00	
The State of Ohio, ex rel. attorney-general, v. The Business Men's Athletic Club, et al., No. 2,012, circuit court	6.25	
The State of Ohio v. Chris McKee, No. 43,359, common pleas court.....	8.60	
The State of Ohio v. George Wilson, et al., No. 45,472, common pleas court	7.25	
O. C. Larason, clerk of courts, Licking county, court costs in case The State of Ohio v. M. V. Poling, No. 12,535, common pleas court.....	8.27	
L. C. Lucas, clerk of courts, Perry county, court costs in cases as follows:		
The State of Ohio v. John Shell, No. 3,745, com- mon pleas court	76.45	
The State of Ohio v. John Shell, No. 241, circuit court	10.09	
John Shell v. Westbrook Still, No. 3,847, common pleas court	50.98	
John Shell v. Westbrook Still, No. 4,054, com- mon pleas court	15.58	
The State of Ohio v. Jonathan Bope, No. 3,746, common pleas court	91.80	
Charles W. Bieser, clerk of courts, Montgomery county, court costs in cases as follows:		
The State of Ohio v. Southern Ohio Traction Company, No. 21,953, common pleas court..	19.13	
The State of Ohio v. Southern Ohio Traction Company, No. 518, circuit court	2.52	
Clerk of courts, Hamilton county, court costs in cases as follows:		
The State of Ohio v. The Cincinnati Tin & Japan Company, No. 113,862, common pleas court..	63.81	
The State of Ohio v. The Cincinnati Tin & Japan Company, No. 3357, circuit court.....	18.35	
The State of Ohio v. The Cincinnati Ice Com- pany, No. 113,861, common pleas court.....	11.18	

State Board of Agriculture.

Live stock commission, for horses affected with glanders and by the commission ordered de- stroyed	3,882.50
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Appropriation
to pay un-
authorized
deficiencies.

W. B. Royer, Louisville, Ohio, for 33 swine exposed to infection by rabies and by the commission ordered destroyed	347.59
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Dairy and Food Commissioner.

C. H. Bosler, attorney fees	1,150.00
William B. Beebe, attorney fees	761.65
O. J. Renner, attorney fees	302.85
E. B. Beverstock, attorney fees.....	239.80
E. B. Dillon, attorney fees.....	590.00
Perry L. Hobbs, analyses and expenses.....	273.06
Lewis P. Metzger, attorney fees.....	202.60
Ridenour & Halfhill, attorney fees.....	130.25
Scott Bonham, attorney fees	2,282.05
W. F. Brown, attorney fees	690.00

Legislature.

Underwood Typewriter Company, for typewriter for house enrolling clerk	87.75
Remington Typewriter Company, Typewriter for speaker's room.....	90.00
Typewriter for house engrossing clerk.....	116.45
Smith Premier Typewriter Company, typewriter for house recording clerk.....	96.75
Yawman & Erbe Manufacturing Company, one mahogany index desk and stationery.....	397.61
Browne-Ryan Electric Company, for wiring house, senate and committee rooms	476.48
Drop lights	7.00
E. Doddington & Company, for speaker's stand and clerk's desk	291.12
The Hildreth & Martin Lumber Company, for work done and material furnished for clerk's office and old court room	529.67
The Tallmadge Hardware Company, for ventilators for house	119.00
McCallip Fence and Wire Company, wire office fixtures for house clerk's office.....	188.80
G. C. Daugherty, for partitioning bill and school committee rooms	797.00
The Krauss, Butler & Benham Company, for carpets, linoleum and curtains for committee rooms	527.15
McAllister, Mohler & Company, for repairs to furniture in house and committee rooms	317.05
For furniture for committee rooms	408.00

Insurance Department.

Contingent expenses	86.57
Salaries of extra clerks	117.00

F. C. Rector, costs and attorney fees in case The State of Ohio, ex rel. Great Camp, Knights of Modern Maccabees, v. A. I. Vorys, superintendent of insurance	616.70
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Appropriation
to pay un-
authorized
deficiencies.

Supervisor of Public Printing.

State printing	5,022.39
Contingent expenses	30.

Ohio Penitentiary.

Salaries of officers	234.27
Salaries of guards	1,525.36
For defense of a malpractice suit against Doctor F. S. Wagenhals	354.90
For defense of a malpractice suit against Doctor J. C. Steuer	264.00

Ohio State Reformatory.

Construction of cells	2,429.24
Ordinary repairs and improvements	1,843.96
T. H. Brooks and Company, for extra iron work on prison wall	547.73
Bowers and Company, construction of wall	607.81

Athens State Hospital.

Ordinary repairs and improvements	356.82
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Cleveland State Hospital.

Ordinary repairs and improvements	1,258.48
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Columbus State Hospital.

Completing heating apparatus	3,345.87
Ordinary repairs and improvements	47.15

Dayton State Hospital.

Ordinary repairs and improvements	420.87
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Longview Hospital, Carthage, Ohio.

Current expenses	5,823.18
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Toledo State Hospital.

Ordinary repairs and improvements	30.52
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Appropriation
to pay un-
authorized
deficiencies.

Girls' Industrial Home.

A. W. Stiles, ex-superintendent, for expenses and attorney fees in case of administrator of the estate of Nora Ferris, deceased, against A. W. Stiles, superintendent	535.00
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Institution for the Education of the Deaf and Dumb.

Current expenses	174.31
Ordinary repairs and improvements	99.35

Soldiers' and Sailors' Home.

Ordinary repairs and improvements.....	389.45
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Soldiers' and Sailors' Orphans' Home.

Salaries of foremen and instructors	175.00
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Miscellaneous.

Frank Tarbox, sheriff of Greene county, for guarding coal cars during coal strike in January, 1903.	56.00
E. N. Halbedel, auditor of Wyandot county, fees on collateral inheritance	78.19
T. J. Lindsay, for expenses in making and publishing report of Ohio shiloh battlefield commission.	896.85
James Meikle, for property taken and destroyed in Gallia county, during Morgan's raid	100.00
Westbrook Still, for damages as per papers on file in auditor's office	400.00
John W. Pearce, veteran bounty.....	100.00
Daniel Donovan, veteran bounty	100.00
M. C. Scully, extras on new state house.....	3,242.78
William Fox, for services rendered in O. N. G. during civil war	312.00
To the Cincinnati Conference of the Methodist Episcopal church, to refund collateral inheritance tax erroneously collected from the P. P. Mast estate	1,459.48
To the trustees of Grace Methodist Episcopal church (Springfield), to refund collateral inheritance tax erroneously collected from the P. P. Mast estate	481.96

SECTION 2. The moneys herein appropriated shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make careful inquiry as to the validity of each and every claim herein named, and to pay only so much as may be found to be correct and just; and in the

event said committee finds the law relating to creating deficiencies has been violated by any official or board it shall report the same to the governor in writing.

Appropriation to pay unauthorized deficiencies.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
255G

[House Bill No. 511.]

AN ACT

To amend section 2825 of the Revised Statutes of Ohio, relating to the construction of bridges.

Be it enacted by the General Assembly of the State of Ohio.

SECTION 1. That section 2825 of the Revised Statutes of Ohio be amended so as to read as follows:

Levying taxes:

Sec. 2825. The county commissioners shall not levy any tax or appropriate any money, for the purpose of building public county buildings, purchasing sites therefor, or for lands for infirmity purposes, or for building any bridge, except in case of casualty, and except as hereinafter provided, the expense of which will exceed ten thousand dollars, without first submitting to the voters of the county, the question of the policy of building any public county bridge or building or buildings, or for the purchasing sites therefor, or for the purchase of lands for infirmity purposes by general tax, which said submission shall be made at the annual spring or fall election, next after the proposition for such levy is adopted by the commissioners and placed on their record, or at a special election at a time fixed thereafter by resolution of the county commissioners for that purpose, upon the petition for such special election filed with said board of commissioners of not less than five hundred of the electors of any such county.

Certain improvements required to be submitted to vote.

When question shall be submitted.

Each proposition shall be separately submitted, and printed tickets shall be provided by the commissioners on which shall be printed, "For _____ tax, yes," and "For _____ tax, no," which blanks shall be filled with a proper designation of the proposed improvement, as the notice may require; and said commissioners shall cause the same notice for such vote to be given as is required in the election for state and county officers.

Each proposition to be submitted separately.

It shall be the duty of the judges of the election in the several townships and wards in any county in which such question may be submitted, as aforesaid, on the day of said election, to open a poll for taking said vote, and to receive and count the ballots cast on each of such propositions, and

Duty of judges of election.

Canvass of
vote.

within three days thereafter to return to the auditor of the county a full and correct abstract of said votes; and the said judges of election shall, in all respects, be governed by the laws regulating general elections, and shall be entitled to the same compensation for returning said poll-books, which shall be paid out of the county treasury on the order of the auditor; and the poll-books so returned shall, within five days from the time of holding such election, be opened, and the votes counted by the commissioners and the auditor of the county; a correct statement of the result of which votes shall be kept by said auditor on file in his office for public inspection.

Question may
be submitted
again on peti-
tion.

If a majority of the votes so cast shall be against the policy of such improvements, the commissioners shall not assess any tax for that purpose, but the commissioners may, on the petition of not less than one hundred taxpayers of said county again submit the same question at any regular annual spring or fall election, under the same rules and regulations as before provided.

Majority vote
necessary to
authorize levy.

Improvements
in course of
construction,
etc., excep-
tion.

If at any such election a majority shall be found in favor of the improvements as aforesaid, then the commissioners shall be authorized to proceed to levy the tax; provided, that this section shall not apply to the construction of any buildings or bridges commenced or contracted for prior to the passage of this act, or for which the commissioners have in good faith purchased the grounds, or acquired the materials for the same, and are now proceeding to construct; nor to any county in this state having at the last federal census, or that may hereafter have, a population not exceeding eighteen thousand (18,000) where the contemplated building, bridge or improvement aforesaid shall not exceed an expenditure of sixty thousand dollars.

Restoration of
condemned
bridge; com-
missioners
may anticipate
collection of
taxes; issue
of bonds.

And provided further, that in case an important bridge belonging to or maintained by any county, has become or may hereafter become dangerous to public travel by decay or otherwise and shall have been condemned for public travel by the proper and legal authorities, and the restoration thereof is deemed by the commissioners of such county to be necessary for the public accommodation, the commissioners of any such county are hereby authorized to levy a tax for the purpose of raising money for the restoration of such bridge of any amount not to exceed in any one year two-tenths of one mill for every dollar of taxable property upon the tax duplicate of said county, and if the said commissioners deem it necessary or advisable in any case, they may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so levied at any rate of interest not exceeding six per cent. per annum, payable semiannually, and may issue notes or bonds therefor, payable when said tax shall be collected, provided that nothing in this act shall be held to repeal or in any manner affect the act of March 26th, 1904, entitled "An act to authorize county commissioners to issue bonds

and levy a tax for the purpose of rebuilding, replacing, or constructing anew any bridge or bridges condemned or ordered removed by the war department of the United States."

SECTION 2. That said original section 2825 of the Revised Statutes, and any and all other acts amendatory thereto, be and the same is hereby repealed. Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
256G

[Senate Bill No. 226.]

AN ACT

To amend sections 1023, 1024, 1044, 1084 and 1107 of the Revised Statutes of Ohio, relating to accounting of county treasurers and auditors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1023, 1024, 1044, 1084 and 1107, of the Revised Statutes of Ohio, be amended so as to read as follows: County auditor:

Sec. 1023. The auditor shall keep an accurate account current with the treasurer of his county, showing all moneys paid into the treasury, the amount thereof, the time when, by whom, from what source, and to what fund paid; and of all moneys paid out, showing the amount thereof, the time when, to whom, for what purpose and from what fund paid. Upon receipt of the daily statement of the treasurer provided for by section ten hundred and eighty-four of the Revised Statutes, the auditor shall enter on his account current as a charge to the treasurer the amount of taxes collected as shown by said statement, in the following manner, to-wit: All collections of liquor taxes to be credited to the "undivided liquor tax fund"; all collections of cigarette tax to be credited to the "undivided cigarette tax fund"; all collections of inheritance tax to be credited to the "undivided inheritance tax fund"; and all collections of other taxes and assessments of whatever kind to be credited to the "undivided general tax fund." On the first business day of each month the auditor shall prepare in duplicate a statement of the finances of the county for the preceding month which shall show the amount of money received to the credit of each fund and account, the amount disbursed from each and the balance remaining to the credit of each, and the balance of money in the treasury and depository, and after careful comparison with the treasurer's Shall keep an account current.

balances, shall submit said statement to the commissioners who shall place the same on file and forthwith post one copy thereof in the auditor's office to remain so posted for at least thirty days for the inspection of the public.

Shall issue
warrants on
treasurer.

Sec. 1024. The auditor shall issue warrants on the county treasurer for all moneys payable out of the treasury, (except moneys due the state, which shall be paid out upon the warrant of the auditor of state), when the proper order or voucher is presented therefor and shall keep a record of all such warrants, showing the number, date of issue, the amount drawn for, in whose favor, for what purpose and on what fund; but he shall not issue a warrant for the payment of any claim against the county unless the same is allowed by the county commissioners, except in cases where the amount due is fixed by law or is allowed by some other officer or tribunal authorized by law to allow the same; provided, that when any fund is exhausted, the auditor and treasurer shall make an estimate of the amount of money belonging to said fund which has been collected as taxes and credited to the undivided tax funds in the treasury, and if the commissioners shall deem it advisable, they may by an order entered on their journal, authorize the auditor and treasurer to transfer from said undivided tax funds to said exhausted fund an amount not to exceed three-fourths of the amount so estimated to belong to said exhausted fund, and at the next semiannual distribution of taxes the amount so transferred shall be deducted from the total amount found to be due said fund; and the estimate herein shall be made in writing and signed by the auditor and treasurer and recorded on the commissioners' journal.

Auditor's
duty in set-
tling with
treasurer;
auditor's cer-
tificates to the
treasurer.

Sec. 1044. In making the settlements required by the preceding section, the auditor shall carefully examine the tax duplicate and ascertain, from the entries of taxes and penalty paid, in whole or in part, and from such other sources of information as are within his reach, the true amount collected by the treasurer on account of each of the several taxes charged on such duplicates, and the amount remaining in the hands of the treasurer belonging to each fund, and shall give to the treasurer separate certificates in duplicate of the separate sums found to have been collected by him; the auditor shall also make out and deliver to the treasurer a certificate specifying the amount charged on the tax duplicate of the county for each of the several purposes for which taxes have been levied, and also a certificate or an abstract of the taxes which have become due and payable and which remain unpaid. Provided that in making the settlement in February of each year, the auditor may ascertain the amount of taxes collected from the statements required to be made by the treasurer under section ten hundred and eighty-four of the Revised Statutes.

County treas-
urer; where to
keep office,
etc.

Sec. 1084. The treasurer shall keep his office at the seat of justice of his county, and in a room or rooms pro-

vided for that purpose by the county commissioners, which shall constitute the county treasury, in which, except as otherwise specifically provided by law, all public moneys and property in his possession shall be at all times kept, and he shall keep an accurate account of all moneys by him received, showing the amount thereof, the time when, from whom and from what source received, and of all disbursements by him made, showing the amount thereof, the time when, to whom and for what purpose paid; and he shall so arrange his accounts that the amount received and paid on account of each separate and distinct fund shall be exhibited in a separate and distinct account; but whenever the bureau of inspection and supervision of public offices so directs, the money received for taxes charged on the general and special duplicates of the current year shall be by the treasurer entered on his account each day in the following manner, to-wit: All collections of liquor tax to be credited to the "undivided liquor tax fund;" all collections of cigarette tax to be credited to the "undivided cigarette tax fund;" all collections of inheritance tax to be credited to the "undivided inheritance tax fund;" and all collections of other taxes and assessments of whatever kind to be credited to the "undivided general tax fund." Each business day the treasurer shall make to the auditor a statement showing, for the preceding day, the amount of taxes received and credited to the various undivided tax funds, the amount received on auditor's draft and the amount received from all other sources, the total amount deposited in the depository, the total amount paid by check on the depository, the total amount paid out in cash, the balance in the depository and the balance in the treasury; and at the time of closing the books at the end of each semiannual collection of taxes, he shall make to the auditor a statement showing the amount of taxes received in each taxing district in the county since the last semiannual settlement, under the following headings, to-wit: liquor tax, cigarette tax, inheritance tax, special assessment taxes, delinquent personal tax, road tax, dog tax and general tax, and the treasurer shall keep such accounts in books to be provided for that purpose, as shall enable him to make the statements required in this section.

Sec. 1107. The county treasurer, when any warrant drawn on him as treasurer by the auditor of his county, is presented for payment, shall, if there is money in the treasury or depository to the credit of the fund on which it is drawn, and the said warrant is endorsed by the payee thereof, redeem the same by the payment of cash or by check on the depository, and shall stamp on the face of such warrant, "Redeemed," and the date of redemption.

Redemption
of county
warrants.

Repeals.

SECTION 2. That the said original sections 1023, 1024, 1044, 1084 and 1107 are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.
Approved April 26.

MYRON T. HERRICK,
Governor.
257G

[House Bill No. 470.]

AN ACT

To amend section 187 of "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio and to repeal all sections of the Revised Statutes inconsistent herewith," providing for organization of boards of health.

Be it enacted by the General Assembly of the State of Ohio:

Municipal cor-
porations:

SECTION 1. That section 187 of an act entitled "An act to provide for the organization of cities and incorporated villages and to restrict their powers of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and repeal all sections of the Revised Statutes inconsistent herewith," be amended so as to read as follows:

Board of
health; ap-
pointment,
etc.; when
board of pub-
lic service
shall be.

Sec. 187. The council of each city and village shall establish a board of health; such board shall be composed of five members to be appointed by the mayor and confirmed by the council who shall serve without compensation and a majority of whom shall constitute a quorum; provided, that whenever the council of any city shall declare by ordinance that it will be for the best interests of said city that the board of public service act as a board of health for the city, then upon the passage of said ordinance the board of public service of said city shall be the duly authorized board of health thereof and shall have all the powers and perform all the duties prescribed by law for boards of health; and the mayor shall be president by virtue of his office. In villages the council may appoint a health officer instead of a board of health and fix his salary and term of office, such appointee to be approved by the state board of health, who shall have all the powers and perform all the duties granted to or imposed upon boards of health, except that all rules, regulations or orders of a general character and required to be published, made by such health officer, shall be approved by the state board

of health. And if any city, village or township fails or refuses to establish a board of health or appoint a health officer, the state board of health may appoint a health officer for such city, village or township and fix his salary and term of office, and such health officer shall have the same powers and duties as health officers appointed in villages in lieu of a board of health, as herein provided, and the salary of such health officer, as fixed by the state board of health, and all necessary expenses incurred by him in performing the duties of a board of health shall be paid by and be a valid claim against the city, village or township for which such health officer is appointed to serve.

In what cases
state board
of health may
appoint
health officer.

Repeals.

SECTION 2. That said original section 187 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

Governor.

258G

[House Bill No. 582.]

AN ACT

To amend sections 5301 and 5301a and to supplement section 5302 of the Revised Statutes of Ohio, so as to fix the time for filing bills of exceptions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5301 and 5301a of the Revised Statutes of Ohio, be amended, and section 5302 of said Revised Statutes be supplemented by the enactment of section 5302a, so as to read as follows:

Exceptions:

Sec. 5301. When the decision is not entered on the record, or the grounds of the objection do not sufficiently appear in the entry, or the exception is to the decision of the court on a motion to direct a nonsuit, or to arrest the testimony from the jury, or for a new trial for misdirection, by the court to the jury, or because the verdict, or if a jury is waived, the finding of the court is against the law and the evidence, or on the admission or rejection of evidence, the party excepting must reduce his exceptions to writing, and file the same in the cause, not later than forty days after the overruling of the motion for a new trial, or the decision

Filing of bills
of exceptions.

Duty of clerk.

Transmission of bill to trial judge or judges.

of the court, where the motion for a new trial is not filed. Thereupon, on the filing of such bill of exceptions, the clerk shall forthwith notify the adverse party, or his attorney, of the filing of the same. Within ten days after such notice of the filing of such bill of exceptions, any adverse party may file in the cause any objection or amendment he may propose to such bill, for the correction thereof. The clerk of the court, on the expiration of the time fixed herein for the filing of such objection or amendment by the adverse party as aforesaid, or within five days thereafter, (or immediately on the filing of said bill, if the consent of the adverse party to such transmission be endorsed thereon,) shall transmit such bill of exceptions, together with all objections and amendments, if any be filed thereto, to the trial judge or judges.

Duty of trial judge.

Absence, sickness, death, expiration of term, etc., of judge.

Extension of time for signing.

Review on error: may file petition before allowance of bill of exceptions.

Sec. 5301a. It shall be the duty of the trial judge or judges, upon the receipt of the bill, to endorse thereon the date it was received, and within five days thereafter to correct the same, if necessary, and allow and sign such bill, and immediately transmit or cause to be transmitted to the office of the clerk from whom the same was received, said bill and the amendments or objections thereto, if any. Provided, that in case the trial judge or judges be absent from the district or circuit when said bill is ready for transmission to him, then the same, together with all objections and amendments, if any shall be retained by said clerk until the return of said judge or judges, to whom it shall then be at once transmitted and who shall be required to act thereon as hereinbefore provided, within five days from the receipt of the same, and thereupon to immediately transmit the same to the office of said clerk; and, provided further, that in case of sickness, death, expiration of office or other disability of such trial judge, said clerk shall upon request of the party preparing said bill or his counsel, forward said documents to any other judge of the district wherein said cause is pending, who shall act thereon and dispose of the same in the time and manner hereinbefore required of said trial judge. Provided further, that the time for signing and allowing said bill of exceptions may be extended by the judge or judges with whom the same is filed, to a date not later than fifteen days after receipt of said bill by said judge or judges, at his or their discretion; in which event, such extension must be endorsed on the bill by said judge or judges.

Sec. 5302a. A party desiring to have a final judgment or order reviewed on error, may, without awaiting the preparation, allowance or signing of a bill of exceptions in said cause, file his petition in error, transcript and other papers in the proper reviewing court, and thereupon may, if he desires, secure a stay of execution of said judgment or order, by giving the undertaking or bond therefor provided by section 6718 of the Revised Statutes; and may thereafter, as provided by law, prepare, have allowed and signed a

bill of exceptions, and after the same is properly filed in said lower court, may file the same in said proceeding in error; whereupon said bill of exceptions shall be received and considered by said reviewing court in all respects as if filed with said petition in error.

SECTION 2. This act shall apply to all pending actions and proceedings, save that where final judgment is entered or a motion for a new trial overruled not more than ninety days before or after the first day of May 1904, bills of exception may be prepared, allowed and filed either according to the provisions of existing laws or of this act. When act shall apply.

SECTION 3. That section 5301 and 5301a as amended October 22, 1902 (96 O. L., 16), be and the same are hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
259G

[House Bill No. 576.]

AN ACT

Creating a fish and game commission, prescribing its duties and powers; to provide for the protection, preservation and propagation of fish and game in the state of Ohio and in and on the waters thereof and for the enforcement of the provisions of this act and to prescribe penalties for violations thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor, by and with the advice and consent of the senate, shall appoint five commissioners of fish and game, of whom not more than three shall belong to any one political party, one commissioner to serve for one year, one for two years, one for three years, one for four years, and one for five years, and at the expiration of the term of office of each member of the commission his successor shall be appointed for five years, who shall severally hold their office for five years, any one of whom may be removed by the governor at his pleasure; provided that the commissioners of fish and game serving as such at the date of the passage of this act shall serve out their respective terms unless sooner removed by the governor. Commissioners of fish and game; appointment, term, removals.

SECTION 2. Each of the commissioners shall, before entering upon the discharge of his duties, give a bond to the state, with surety to the satisfaction of the governor, in the sum of two thousand dollars, conditioned for the faithful performance of the duties of his office, which bond, Bond and oath.

with the approval of the governor and the oath of office indorsed thereon, shall be deposited with the secretary of state.

No compensation, but all expenses to be paid them.

SECTION 3. The commissioners shall serve without compensation, but they shall be entitled to be paid all their expenses while engaged in the discharge of their duties, which expenses shall be paid to them on their own certificates, severally.

Powers and duties.

SECTION 4. The commissioners of fish and game shall be, and are hereby vested with complete control and authority in all matters pertaining to the protection, preservation and propagation of song and insectivorous birds, game birds, game animals and fish within the state and in and upon the waters thereof. It shall be the duty of the commissioners to enforce, by proper legal action and proceeding, the laws of the state relating to the protection, preservation and propagation of song and insectivorous birds, game birds, game animals and fish, and to carry into effect all such measures in this behalf that they deem necessary so far as means are placed at their disposal for these purposes.

Appointment of chief warden, deputy state wardens, and special wardens; term of office, etc.

SECTION 5. The commissioners shall, at their annual meeting in January, or at such time as they deem proper, appoint a chief warden who shall hold his office for two years, unless sooner removed by the commissioners. They may also appoint such number of deputy state wardens as in their judgment are necessary. They may also appoint special wardens, when in their judgment they deem it necessary, who shall hold their office for such time as the commissioners may direct, and who shall possess the same powers and perform the same duties as deputy state wardens, and they may receive such compensation for their services as the commissioners deem proper. The deputy state wardens shall hold their offices for two years unless sooner removed by the commissioners. The chief warden, special wardens and deputy state wardens shall, before entering upon the discharge of their duties, each give a bond to the state of Ohio (the chief warden in the sum of two thousand dollars, the special wardens five hundred dollars, and the deputy state wardens in the sum of two hundred dollars), conditioned upon the faithful discharge of their respective duties, which bond shall be approved by and be deposited with the commissioners. The commissioners may allow the chief warden a salary not to exceed fifteen hundred dollars per annum, and, in addition, his expenses (not exceeding one thousand dollars) incurred in the discharge of his duties. The salary and expenses of the chief warden, and the salaries and expenses of the special wardens, shall be paid out of the fund appropriated for the use of the commissioners. In addition to any other compensation, each warden shall be entitled to any fees which he may earn, which fees shall be the same as are paid sheriffs for similar services in criminal cases.

Oath and bond.

Salaries and fees.

The commissioners may also direct that any fines collected under prosecutions begun by any deputy state warden shall be paid to such warden by the officer before whom the prosecution is had, or by whom the fine is collected; and, in addition thereto, may pay them such further compensation, out of any moneys appropriated for such purposes, as they may deem proper.

SECTION 6. It shall be the duty of the chief warden, special wardens, and deputy state wardens to enforce the provisions of this act, and within this state, all laws relating to the protection, preservation and propagation of birds, fish and game. The chief warden shall, under the direction of the commissioners, visit all parts of the state and direct and assist the special wardens and deputy state wardens in the discharge of their duties. Each warden shall have full power to execute and serve all warrants and process of law issued for, in connection with, or growing out of the enforcement of any law relating to the protection, preservation or propagation of birds, fish and game, in the same manner and, to a like extent, that any sheriff or constable may serve and execute such process; they may arrest on sight and without a warrant, any person detected by them in the act of violating any such laws; they shall have the same right as sheriffs to require aid in executing any process, or in arresting without process any person found by them in the act of violating any of said laws; and they shall have authority to seize without process, any birds, fish or game then found in the possession of any such person, which is so in possession contrary to law, together with the guns, nets, seines, boats, traps, or other devices with which the same were taken or killed, or used in taking or killing, and forthwith convey such offender before a court or magistrate having jurisdiction of the offense, who shall, upon the filing by the warden of a proper complaint, proceed speedily to try and determine the truth of the charge. Such arrest may be made on Sunday, in which case the offender shall be taken before such court or magistrate who may require bond for his appearance at the time fixed for the hearing of the complaint, which complaint shall be heard as soon as practicable on a week day following the arrest. In case the offender fails to give bond for his appearance (if any bond be required) the court may order him committed to the jail of the county, or to some other suitable place until the time set for the hearing of the complaint. Such prisoner or prisoners shall be received by the jailor or officer in charge of the place designated by the court or magistrate. It shall be the duty of all sheriffs, deputy sheriffs, constables and other police officers, to enforce all laws relating to the protection and propagation of birds, fish and game, and in their enforcement they shall have the same powers as are conferred upon the warden, and they shall be entitled to like fees for similar services. Prosecution by the wardens, or other police officers for offenses not committed in their presence, shall be executed [instituted] only upon the approval

Powers and
duties of said
wardens.

of the prosecuting attorney of the county in which the offense is committed, or under the direction of the attorney-general; and for his services the prosecuting attorney shall receive twenty per cent. of all fines assessed and collected upon prosecutions conducted by him.

Seizure of
instruments
used for un-
lawful catch-
ing of birds,
fish or game.

SECTION 7. Any gun, net, seine, boat, trap or other device whatever used in the unlawful taking, catching, or killing of birds, fish or game, is hereby declared to be a public nuisance and shall, upon lawful seizure by any warden or police officer, be deemed forfeited to the state; and it shall be the duty of every warden or other police officer, to seize any such property and institute proceedings for its forfeiture, as provided in section eight of this act. When any such gun, net, seine, boat, trap or other device is seized and condemned, as provided in the next succeeding section hereof, the cost of such proceeding shall be adjudged against the owner or the user thereof at the time of the seizure, if known, which judgment shall be the first lien upon his property, and against which lien no exemption can be claimed. When a seizure of any such property has been made no writ of replevin shall lie to take it from the custody of the officer seizing it, or from the custody or jurisdiction of the court before whom such proceeding is pending, but such property shall be held by such officer or court to await the final determination of such proceeding; and such proceeding shall in no wise affect or bar a criminal prosecution of the person so using such property in violation of law.

Proceedings
for condemna-
tion and for-
feiture of
said instru-
ments.

SECTION 8. When any gun, net, seine, boat, trap or other device is seized as provided in section seven of this act, it shall be the duty of the warden or other officer seizing it, to safely keep such property in his possession, or under his control, and to institute, within three days, in the proper court of the county wherein such property is seized, proceedings for its condemnation and forfeiture. Such proceedings shall be instituted by the filing of an affidavit, describing the property seized, setting out the unlawful use to which it was found put, giving the time and place of seizure, and setting out, if known, the name of the person owning, or using the same, at the time of seizure, and if such person be unknown, such fact shall be stated. The court before whom such affidavit is filed shall thereupon issue a summons setting out the facts alleged in the affidavit, and stating the time and place when the cause will be for hearing, a copy of which summons shall be served upon the owner, or person using the property at the time of [its] seizure (if he be known) personally, or by leaving a copy thereof at his usual place of residence, or business, if in the county, at least three days before the hearing of the complaint. If such owner or user be unknown, or if he be a nonresident of the county, or cannot be found therein, a copy of the summons shall be posted up at a suitable place nearest the place of seizure, and copy mailed

him (if his address be known) at least three days before the time set for the hearing of the complaint. The officer making such service shall make a return on the day set for the hearing, of the time and manner of making such service. The court may postpone the hearing upon a proper showing by either party, for such reasonable time as may be necessary. Upon the hearing, proceedings shall be had as provided in section nine of this act. If the court or jury shall find, by a preponderance of the evidence, that the property at the time of its seizure, was being used in violation of law, the court shall adjudge the property forfeited, and shall render judgment against the owner or user thereof, for the costs, and shall order the property turned over to the commissioners of fish and game, to be by them sold at such time and place as they shall deem best, and the proceeds thereof covered into the state treasury as provided by law. But if the court or jury shall find that the property, at the time of its seizure, was not being used in violation of law, the court shall order the property released. A writ of error may be prosecuted by the officer or person filing the complaint, or by the owner or user of the property seized, to review the judgment and order of the court in forfeiting the property, or in ordering its release, to the court of common pleas, circuit court, and supreme court, in the same manner as writs of error are prosecuted in other civil causes. But if the owner or person so unlawfully using the property at the time of seizure shall be arrested and shall plead guilty, and shall confess that the property seized was, at the time of its seizure, being used by him in violation of law, in such case it shall not be necessary to institute a proceeding to forfeit the same, but the court before whom the offender has pleaded guilty, shall, in imposing sentence, further order and adjudge that the property so seized be forfeited to the state.

SECTION 9. Any justice of the peace, mayor, or police judge, within his county, shall have final jurisdiction in all prosecutions for the violation of any of the provisions of this act or of any law enacted for the protection, preservation, or the propagation of birds, fish, or game, and shall have like jurisdiction in all proceedings brought for the condemnation and forfeiture of any property used in the violation of any such law. If in any such prosecution, or condemnation proceeding, the defendant shall demand a trial by jury, the court before whom the prosecution or the proceeding is pending shall issue his venire to any warden or constable of the county, containing the names of sixteen electors of the township, city, or village, for which such court was chosen as such officer, to serve as jurors upon the hearing of such prosecution or proceeding, which officer shall promptly execute the same and make due return thereof to the court. If such venire be exhausted without obtaining the required number of jurors to fill the panel, the court may direct the warden, or the constable, to summon any of the bystanders, or to bring in other

Final jurisdiction.

Jury trial, etc.

persons, to act as jurors. Provided, that if the defendant consent in writing (which shall be entered of record), he may be tried by a jury composed of six persons, in which case the venire need not contain the names of more than ten electors. Each party shall be entitled to two peremptory challenges, and to such other challenges of jurors for cause as are permitted in criminal cases in the court of common pleas. In criminal prosecutions like proceedings shall be had as in criminal cases in the court of common pleas; and in condemnation proceedings, like proceedings shall be had as in civil cases in the court of common pleas. In all prosecutions and condemnation proceedings for the violation of any law enacted for the protection, preservation or the propagation of birds, fish, or game, no cost shall be required to be advanced, secured, or paid by, or bond or undertaking required of, any person whose duty it is under the law, to prosecute such cases or proceedings. And if the defendant be acquitted, or if convicted and committed in default of payment of fine or costs, or if the property seized be released, the costs in such cases shall be certified under oath to the county auditor who, after correcting the same, if found incorrect, shall issue his warrant on the county treasurer in favor of the person or persons to whom such costs and fees are due, and for the amount due each person respectively.

Prima facie
evidence of
guilt.

Meaning of
certain words.

SECTION 10. The finding of any gun, net, seine, boat, trap or other device set, maintained, or in use, in violation of any law relating to the protection, preservation or propagation of birds, fish or game, shall be prima facie evidence of the guilt of the person owning, using or making claim to the same; and the finding of any birds, fish, or game, unlawfully in the possession of any person, shall be prima facie evidence of the guilt of such person. Wherever the word "person" is used in any law relating to the protection, preservation or propagation of birds, fish, or game, it shall be held to include "company," "partnership," "association," "corporation," or any "officer," "agent" or "employee" thereof; and wherever the word "warden" is used, it shall be held to include "chief warden," "special warden," "deputy state warden," or any other police officer charged with the duty of enforcing such laws. Whenever any affidavit shall be filed and warrant issued against any corporation for the violation of any of the provisions of this act or any law for the protection, preservation or propagation of birds, fish or game, a summons shall be issued, directed to the sheriff, constable or warden, commanding said officer to notify the accused thereof, and returnable on or before the tenth day after its date; such summons, together with a copy of the warrant, shall be served and returned in the manner provided for the service of summons upon such corporations in civil actions; the corporation on or before the return day of the summons, may appear by one of its officers or by counsel and answer the warrant by motion, demurrer or plea, and upon its failure to make such appearance and answer, a plea of "not guilty" shall be entered, and upon

such appearance being made or plea entered, the corporation shall be deemed thenceforth continuously present in court until the case is finally disposed of. In every case of conviction, the cost of prosecution, and of condemnation shall, in addition to the fine imposed, or forfeiture declared, be adjudged against the person convicted, or the owner or user of the property condemned. Whenever, upon conviction, the person convicted fails to pay the fine and costs imposed upon him, or execution issued is returned unsatisfied, he shall be committed to the jail of the county or to some workhouse and shall there be kept confined one day for each one dollar fine and costs adjudged against him, and he shall not be discharged or released therefrom by any board or officer, except upon payment of the portion of the fines and costs remaining unserved, or upon the order of the commissioners of fish and game. All fines, penalties, and forfeitures arising from prosecutions, convictions, confiscations, or otherwise (unless otherwise directed by the commissioners of fish and game) shall be paid by the officer before whom the prosecution is had or by whom the fine is collected, to the president of the commissioners of fish and game, and by him paid into the state treasury to the credit of the fund which is hereby appropriated for the use of the commissioners.

Disposition of
fines, etc.

SECTION 11. Every warden, sheriff, deputy sheriff, constable, or other police officer, may inspect any package, parcel, box, coat or clothing, or other receptacle, in the possession of any person, which the said warden shall have good reason to believe contains birds, fish, or game killed, taken, or had in possession in violation of law; and to inspect any room, building, car, boat, or other place wherein birds, fish, or game are kept for sale, or which he has good reason to believe contains birds, fish or game, killed, taken, or had in possession in violation of law. If the person in whose custody or possession such package, parcel, box, coat or clothing, or other receptacle may be, or the owner or person in charge of any such room, building, car, boat, or other place refuse to permit such inspection, upon demand made by the warden, the warden shall have the power after having made, or without making such demand, upon filing an affidavit in accordance with the provisions of section 7121 Revised Statutes before an officer having jurisdiction of the offense, and receiving a search warrant issued thereon, to forcibly open and inspect any such package, parcel, box, coat or clothing, or other receptacle, or room, building, car, boat or other place, and if he shall find therein any birds, fish, or game, unlawfully in the possession of any person, he shall forthwith seize the same, and the same shall escheat to the state, and arrest the person in whose custody or possession the same is found.

Examination
and inspection
of packages,
boxes, recepta-
cles, etc.,
search war-
rant.

SECTION 12. No person shall at any time, catch, kill, injure, pursue, or have in his possession either dead or alive, or purchase or expose for sale, transport or ship within or without the state any turtle or mourning dove, sparrow,

Catching,
killing, injur-
ing, or pursu-
ing birds.

Disturbing or destroying eggs, nests, or young of certain birds.

nuthatch, warbler, flicker, vireo, wren, American robin, catbird, tanager, bobolink, blue jay, oriole, grosbeak or redbird, creeper, redstart, waxwing, woodpecker, hummingbird, killdeer, swallow, bluebird, blackbird, meadow lark, bunting, starling, red-wing, purple martin, brown thrasher, American goldfinch, chewink or ground robin, pewee or phoebe bird, chickadee, flycatcher, gnat catcher, mousehawk, whip-poor-will, snowbird, titmouse, guil, eagle, or buzzard, or any other wild bird other than a game bird, unless said bird was in captivity prior to May 6th, 1902. No part of the plumage, skin, or body of any bird protected by this section shall be sold or had in possession for sale except as permitted in section 12 [13] of this act. No person shall at any time disturb, or destroy the eggs, or nests, or young, of any of the birds named in this section. Provided, that nothing in this section shall prohibit the killing of the chicken hawk, Cooper hawk, blue hawk, sharp skinned hawk, crow, great horned owl, or English sparrow, or the destroying of their nests. Provided further, that nothing herein contained shall prohibit the owner or duly authorized agent only of any premises, from killing blackbirds at any time, except Sunday, when they are found to be a nuisance or are injuring grain or other property.

Permits to take birds, nests and eggs for scientific purposes; how obtained; fee.

SECTION 13. The provisions in section 12 of this act shall not apply to any person holding a permit giving the right to take birds or their nests and eggs for scientific purposes, as herein provided. Permits may be granted by the president of the fish and game commission to any properly accredited person, permitting the holder thereof to collect birds, their nests and eggs for strictly scientific purposes and not for the purposes of sale. In order to obtain such permit the applicant for the same must present to said president of the fish and game commission written testimonials from two well-known scientific men or teachers of science, certifying to the good character and fitness of said applicant to be entrusted with such privilege, and pay to said president five dollars to defray the necessary expense attending the granting of such permit, and must file with said president a properly executed bond in the sum of one hundred dollars, signed by at least two responsible citizens of the state as sureties. The bond shall be forfeited to the state and the permit become void upon proof that the holder of such permit has killed any bird or taken the nests or eggs of any bird for any other purpose than that named in this section, and shall further be subject for each offense to the penalties provided in this act. The permits authorized by this act shall be in force for one year from the date of their issue and shall not be transferable. The moneys accruing from the granting of these permits shall be paid into the state treasury and shall be appropriated for the uses of the fish and game commission.

Manual for Arbor Day exercises to contain copy

SECTION 14. It shall be the duty of the state commissioner of common schools to issue annually a manual for Arbor Day exercises, as soon as possible after the governor

has set apart a date for said day, as prescribed by the act of March 5, 1902, which manual, in addition to matters pertaining to forestry and the protection of birds, shall contain a copy of section 12 of this act. Said state commissioner of common schools and the commissioners of fish and game shall, annually transmit copies of said manual to the superintendent of city, village, special district and township schools and clerks of the boards of education, who shall cause the same to be distributed to the teachers of the schools under their charge. It shall be the duty of the teachers to cause to be read to the pupils of their respective schools, on the day fixed by the governor as Arbor Day, and also on such other days during the year as may be convenient and proper, said section 12 of this act, and to urge and encourage them to aid in the protection of the song and insectivorous bird, named in that section.

of section 12
of this act;
distribution
thereof.

SECTION 15. No person shall, within this state, catch, kill, injure or pursue with such intent, any Virginia partridge or quail except from the fifteenth day of November to the fifth day of December; or any woodcock or Carolina dove, except from the first day of September to the first day of December; or any rail, shore bird, plover, snipe, wild duck, wild goose, wild swan, coot, or mud hen except from the first day of September to the first day of December, and the first day of March to the twentieth day of April.

Catching, killing, injuring, pursuing game, destroying eggs, nests or young; hunting, shooting, trapping, etc.

No person shall, at any time, catch, kill, injure or pursue any of the birds mentioned in this section by the aid or use of any trap, net or snare, or disturb or destroy any of the nests or eggs or young thereof; nor catch, kill, injure or pursue any wild duck or other water fowl named in this section by the aid or use of any gun except a common shoulder gun of not larger than ten gauge, or with the aid of or from any sink boat, sink box or sneak boat, or by the aid or use of any boat whatsoever except a common row boat propelled by oars.

No person shall catch, kill, injure or pursue, any wild duck or other water fowl on Sunday or Monday of any week, nor catch, kill, injure or pursue, or shoot at any such water fowl, before sunrise or after sunset upon any day upon which day it shall be lawful to kill the same.

No person shall hunt or shoot, or have in the open air for such purposes, any of the implements for hunting or shooting on any Sunday.

No person shall kill in any one day more than eighteen Virginia partridge or quail, Carolina dove, woodcock, geese, rail, shore bird, plover or snipe, nor more than twenty-five duck. No person shall shoot at any Virginia partridge or quail or Carolina dove except when they are flying.

The birds named in this section and in section 17 of this act, shall be known and be classed as game birds in contradistinction to all other birds.

Nothing contained in this section or in section 17 of this act shall be held to prohibit the commissioners of fish and game, or their authorized agents or employes, from taking,

at any time, the birds and eggs named for the purposes of propagation or the importation of the birds named in sections 15 and 17 of this act, by the commissioners of fish and game, their authorized agents or employes, for the purpose of propagation.

Catching,
killing, injur-
ing, or pursu-
ing rabbits,
when unlaw-
ful.

SECTION 16. No person shall within this state, catch, kill, injure or pursue with such intent, any rabbit by the aid or use of any gun except from the fifteenth day of November to the fifth day of December. Provided, however, that nothing in this section shall prohibit the killing of rabbits at any time, except on Sunday, in any manner, by the owner, manager or tenant of the premises, or by any bona fide employe of such owner, manager or tenant, where they may be found injuring grain, berries, fruit, vegetables, trees or shrubbery. It shall be unlawful to use any ferret in catching or hunting rabbits except by the land owner, lessee or any person they or either of them may permit when rabbits are destroying or injuring trees, shrubbery, grain, berries or fruit. No person shall, within this state,

Raccoons.

kill, or pursue with such intent, any raccoon, except from the first day of September to the first day of March; provided, that nothing in this section shall prohibit the killing of raccoons at any time (except on Sunday) in any manner, by the owner, manager or tenant of the premises, or by any bona fide employe of such owner, manager, or tenant, when such animals may be found injuring grain or catching domesticated fowls. No person shall catch, kill, injure

Squirrels.

or pursue with such intent any squirrel except from the first day of September to the fifteenth day of October, nor kill more than ten squirrel in any one day. No person shall buy, sell, expose for sale, offer for sale, or have in his possession any squirrel during the time when the killing thereof is made unlawful; nor take, catch, kill, or pursue any squirrel for the purpose of sale within this state, or for the purpose of sale or shipment beyond the limits of this state, nor buy, sell, expose for sale, offer for sale or have in possession any squirrel which has been killed within this state for the purpose of sale, or in any manner prohibited. No person shall receive for transportation, or transport, or shall have in his possession with the intent to transport, or to secure the transportation, beyond the limits of this state, any squirrel which has been killed within this state. And each squirrel so killed, taken, had in possession, received for transportation, or transported, contrary to the provisions of this section, shall constitute a separate offense. The reception by any person within this state of any squirrel for shipment to a point without the state, shall be prima facie evidence that they were killed within this state for the purpose of conveying the same beyond its limits. But the provisions of this section shall not apply to a common carrier into whose possession any squirrel shall come in the regular course of their business, for transportation, while they are in transit through this state from any place without the state, where the killing

of such animal may be lawful. Provided, that nothing herein shall prohibit persons from having in possession, rabbits and squirrels, in enclosures for domestication or propagation, or the keeping of rabbits or squirrels as pets.

SECTION 17. No person shall catch, kill, injure, or pursue, any ruffed grouse, Mongolian pheasant, English pheasant, ring-neck pheasant, or other pheasant, before the tenth day of November, 1908, or after that date, except from the tenth day of November, to the first day of December, nor at any time catch, kill, injure, or pursue any of the birds named in this section by the aid or use of any trap, net, or snare; nor at any time disturb or destroy the nests, or eggs, or young of any bird named herein.

Catching, killing, injuring or pursuing prairie chicken or pheasant.

SECTION 18. No person shall buy, sell, expose for sale, offer for sale, or have in his possession, any of the birds, mentioned in sections 12, 15 and 17 of this act, during the time when the killing thereof is made unlawful; nor take, catch, kill, or pursue, any such birds for the purpose of sale within this state, or for the purpose of sale or shipment beyond the limits of this state, nor buy, sell, expose for sale, offer for sale or have in possession, any such birds, which have been killed within this state for the purpose of sale, or in any manner prohibited. No person shall receive for transportation, or shall transport or cause to be transported, or shall have in his possession with the intent to transport, or to secure the transportation, beyond the limits of this state, of any of the birds, mentioned or included in said sections 12, 15 and 17 of this act, which have been killed within this state; and each bird or fowl, so killed, taken, had in possession, received for transportation, or transported, contrary to the provisions of this section, shall constitute a separate offense. The reception by any person within this state of any such birds, game, or animals, for shipment to a point without the state, shall be prima facie evidence that they were killed within this state for the purpose of conveying the same beyond its limits. But the provisions of this section shall not apply to a common carrier into whose possession any of the birds mentioned in said section 12, 15 and 17, of this act shall come in the regular course of their business, for transportation, while they are in transit through this state from any place without the state, where the killing of such birds may be lawful. Provided, that nothing herein shall prohibit persons from having in possession, in enclosures, for the purpose of domestication or propagation, any of the birds mentioned in sections 15 and 17 of this act.

Unlawful to purchase, sell, expose or possess certain birds or game.

Exceptions.

SECTION 19. It shall be unlawful for any person not the owner, to in any manner, catch, kill, injure, or detain, any Antwerp or homing pigeon, commonly called "carrier" pigeon, which, at the time of its capture or detention shall have stamped upon its wing or tail the name of its owner, or which shall have upon its legs a band bearing the name or initial of its owner, or its number, or any other mark upon it designating it as a "carrier" pigeon.

Catching, killing, injuring or detaining carrier pigeon.

Hunting or trapping on lands, etc., of another without permission.

SECTION 20. It shall be unlawful for any person to hunt, or trap upon the lands, ponds, lakes, or private waters of another (except waters claimed by the riparian rights of ownership of adjacent lands), or to thereon shoot, shoot at, catch, kill, injure, or pursue, any bird, wild fowl, or wild animal of any kind, without first obtaining the written permission from the owner, or his authorized agent. In all prosecution under this section, the complainant shall not be required to prove a legal title to the lands or waters upon which the defendant has so unlawfully hunted or trespassed, but it shall be sufficient if he prove that he is in the lawful possession or control thereof. Whoever violates any provision of this section shall be fined not less than ten dollars nor more than fifteen dollars for a first offense, and not less than fifteen nor more than fifty dollars for any subsequent offense, and in default of payment of fine and costs, shall be imprisoned as provided in section 10 of this act.

Transportation of birds, fish or game.

SECTION 21. It shall be unlawful for any person within this state to deliver or to receive for transportation, any package, box, or other receptacle containing birds, fish, or game, unless the same shall be labeled on the address side, in plain letters, with the name and address of the owner or consignor, and with the number and kind or kinds of birds, fish or game, which the said package, box, or other receptacle contains, or to falsely label the same, or to deliver, or to receive for transportation, or to transport, any birds, fish, or game, which have been killed, taken, or are had in possession, in violation of law.

Nonresidents of state required to secure hunter's license.

SECTION 22. Any person who is a nonresident of the state of Ohio, and who desires to hunt in said state, shall make application for a hunter's license to the clerk of the courts of the county in which he desires to hunt; and for such license he shall pay a fee of fifteen dollars; and in addition thereto, the clerk of courts may charge the applicant a fee of twenty-five cents. Every such license shall expire on the first day of December next after its issue, and shall entitle the person to whom it is issued to hunt within this state, at such times, and in such manner, as may be lawful, until the expiration of his license. The forms of license herein required shall be prepared by the commissioners of fish and game, and shall be in such forms as they may order, which license shall be issued by the clerk of the courts. The commissioners of fish and game shall furnish all licenses and other blanks required under the provisions of this section; which forms shall be approved by the attorney-general of Ohio. The commissioners of fish and game may revoke license of a nonresident upon satisfactory proof that such person has hunted in violation of law; and no license shall be granted to a person whose license has been revoked for a period of one year thereafter. The clerk of courts shall keep a record of each license issued, and shall make a report to the commissioners of fish and game, during the month of December, in such

form as they shall require of the number of licenses issued, and shall transmit, with such report, to the president of the commissioners of fish and game, the moneys received during the hunting season, which moneys shall be paid into the state treasury to the credit of a fund, which is hereby appropriated for the use of the commissioners of fish and game. Every such nonresident person shall, when hunting, carry with him his license, and shall, upon demand, exhibit it to any warden or police officer, and a refusal to so exhibit his license shall constitute an offense under this section. The record of licenses kept by the clerk of courts shall be open at all reasonable hours to the inspection of any person. Each day that any nonresident person shall hunt, within this state, without first having procured the license herein required, shall constitute a separate offense. The license granted hereunder shall entitle a nonresident to take with him from the state game and birds killed by him not [to] exceed fifty of all kinds. No person shall take or catch in any of the rivers, lakes, or ponds, or in any of the reservoirs of the state, any fish with what are known as trot lines, bob lines, set lines or float lines or by spearing, except in that part of streams bordering on or running through his own land.

Unlawful
taking and
catching of
fish.

SECTION 23. No person shall draw, set, place, locate or maintain, any pound net, trammel net, fyke net, set net, seine, fish trap, or any other net or device for catching fish in any of the waters, either natural or artificial, within this state, nor catch, or kill fish with any device whatever, in any such waters, except with hook and line, with bait or lure.

Unlawful
catching and
killing of fish.

No person shall take or catch in any of the rivers, lakes, or ponds, or in any of the reservoirs of the state, any fish with what are known as trot lines, bob lines, set lines or float lines, or by spearing, except in that part of streams bordering on or running through his own lands. No person shall in any of the waters of the state, natural or artificial (including Buckeye lake, Indian lake, Grand or Loramie reservoirs), take or catch in any manner any black bass between May first, and June first; provided, however, that in the bays connected with the waters of Lake Erie the closed season for fishing with hook and line, bait or lure for black bass, shall be between May 25th, and July 15th. No person shall in any of the waters of the state (including Buckeye lake, and Indian lake, Grand or Loramie reservoirs), while such waters are frozen over, covered with or partly covered with ice, catch any fish, in any manner, through any hole cut in the ice, or through any fissure, crack, or break therein. No person shall buy, sell, offer or expose for sale, barter or give away, or have in his possession for the purpose of sale, any black bass that has been caught in any of the rivers, creeks, or reservoirs, of the state, or in Buckeye lake or Indian lake, or in the waters of any other state or country, nor buy, sell, offer for sale, or have in his possession, any fish, caught in any such

waters out of season or in a manner prohibited; nor catch, take, or have in possession, any bass less than ten inches in length (measurements to be made from end of nose to end of tail). Each bass so bought, sold, offered, or exposed for sale, bartered or given away, shall constitute a separate offense. No person shall catch, kill, offer for sale, sell, buy, or have in his possession, any brook trout, speckled trout, Von Behr or brown trout, landlocked salmon, or California salmon, except from the fifteenth day of April to the fifteenth day of September. No person shall catch, or pursue, any turtle by the aid or use of any seine, or net, except a single seine or net, the meshes of which are not less than four inches by four inches in dimensions. Provided, that nothing in this section shall prevent the taking of minnows for bait with a minnow seine not exceeding four feet in depth and ten feet in length; nor prevent the commissioners of fish and game, or their authorized officers or agents, from taking fish at any time or place, or in any manner, for the purpose of stocking ponds, lakes, or rivers, or for the maintenance or propagation of fish in hatcheries, or for the extermination of carp in any waters; nor shall anything herein prevent the taking of fish in any manner in the ponds or lagoons formed by the receding waters of running streams when such ponds or lagoons no longer have any connection with the channels of such streams. And nothing in this section shall apply to the waters of Lake Erie, or shall apply to private artificial fish ponds or privately owned lakes. Whoever violates any provisions of this section, or any provision of sections 12, 13, 15, 16, 17, 18, 19, 21, and 22 of this act shall be fined not less than twenty-five dollars nor more than two hundred dollars, and costs of prosecution, and in default of payment of fine and costs, shall be imprisoned as provided in section 10 of this act.

Penalty for violation of this act.

Trespassing upon lands bordering on fish ponds, etc., for purposes of catching fish.

SECTION 24. Whoever shall trespass upon the lands, or rights in lands, located within this state, belonging to any person, and lying in or bordering upon any natural or artificial pond or brook less than ten miles in length, into which have been introduced brook trout, speckled trout, brown trout, landlocked salmon, California salmon, or any other fish, by the means known as artificial propagation, or by actual importation from other waters, for the purpose of fishing for, or catching, or killing fish, or shall in the waters of such pond or brook catch or kill fish; or whoever shall buy, receive, or have in his possession any fish caught contrary to the provisions of this section; or whoever shall wilfully place any poison or other substance injurious to the health of fish, in any pond or brook, described in this section, for the purpose of capturing or harming any fish therein; or whoever shall wrongfully and wilfully let the water out of any such pond or brook, with intent to take or injure any fish therein, shall, in each such case, be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than ten dollars

Penalty.

nor more than one hundred dollars for a first offense, and for a subsequent offense, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or be imprisoned not less than thirty days nor more than six months, or both. Prosecutions for a violation of any provision of this section shall be instituted only upon the complaint of the person or persons, or their agents, upon whose lands, or rights in lands, or waters, the trespass has been committed.

SECTION 25. That sections 405, 406, 407, 408, 409, 409a, 409b, 409c, 409d, 409e, 6960, 6960a, 6960b, 6961, 6963, 6964, 6965, 6966, 6966-1, 6966-2, 6967, 6967a, 6968, and 6968a, and all acts or parts of acts inconsistent or conflicting herewith, be and the same are hereby repealed. Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

Governor.

260G

[House Bill No. 398.]

AN ACT

To amend sections 3023, 3033, 3034, 3039, 3042, 3043, 3044, 3046, 3056, 3070, 3072, 3073, 3075 and 3083, of the Revised Statutes of Ohio, and to repeal sections 3040, 3071 and 3074, of the Revised Statutes of Ohio, relating to the government of the Ohio national guard.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3023, 3033, 3034, 3039, 3042, 3043, 3044, 3046, 3056, 3070, 3072, 3073, 3075 and 3083 of the Revised Statutes of Ohio, be and are hereby amended to read as follows:

Sec. 3023. The militia of this state shall be divided into two classes,—the organized militia, to be known as the Ohio national guard, and the Ohio naval militia, and the remainder to be known as the reserve militia. Every able-bodied male citizen of this state and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, except persons exempt by law, shall be enrolled in the militia and perform military duty, in the manner hereinafter prescribed.

Sec. 3033. The organized militia, known as the Ohio national guard, shall consist of the officers and noncommissioned staff officers provided for in sections 98, 99, as amended January 11, 1904, and 3043, a medical department, a signal corps, a corps of engineers, and not to exceed one hundred companies of infantry, four batteries of artillery,

Militia and military affairs, enrollment:

Classification: who shall be enrolled.

Organized militia; how constituted and apportioned.

two troops of cavalry, and one band for each organized regiment and separate battalion, all to be organized the same as is now or may hereafter be prescribed for the regular and volunteer armies of the United States, and all to be allotted and apportioned in such localities of the state as the necessities of the service, in the discretion of the governor, may require, and the governor is authorized and empowered to change the tactical organization of the national guard, or any part thereof, from time to time, to make it correspond with that prescribed for the regular and volunteer armies of the United States and in time of peace the governor shall fix the maximum strength of organizations within the minimum and maximum limits prescribed by the president of the United States.

Ohio national
guard; active
service.

Sec. 3034. The Ohio national guard may be ordered by the governor to aid the civil officers to suppress or prevent riot or insurrection, or to repel or prevent invasion; and the national guard shall, in all cases, be called into service before the reserve militia.

Contributing
members.

Sec. 3039. In time of peace the officers commanding companies, troops, batteries and detachments of the hospital corps may enlist contributing members, not to exceed one hundred and fifty. Such members shall be subject to such contributions, dues and services as may be ordered by the council of administration of the respective organizations, but the dues of such members shall in no case be less than five dollars each, per annum, and the whole number of active and contributing members belonging to the active militia in any county, shall not exceed fifteen per centum of the voting population of such county. (1886, April 28; 83 v. 95).

Mode of en-
listment; oath.

Sec. 3042. All enlistments shall be made by signing enlistment papers, in such form as shall be prescribed by the adjutant general. As soon as practicable after his enlistment, the following oath shall be administered to the recruit by any commissioned officer:

"I, _____, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America, and to the state of Ohio; that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will observe and obey the orders of the president of the United States, the governor of Ohio, and the orders of the officers appointed over me, according to the regulations and articles for the government of the armies of the United States and of the Ohio national guard."

Divisions,
brigades,
battalions and
regiments.

Sec. 3043. The governor shall organize, when practicable, the national guard into a division, brigades, regiments and battalions, with such staff officers and noncommissioned staff officers as may be necessary for each of the several commands.

Election and
term of
officers.

Sec. 3044. The officers of the Ohio national guard, excepting as provided for in section 103 and section 3049, shall serve during good behavior and faithful performance

of duty. Elective officers shall be elected as follows: General officers by the written or printed ballots of the officers and enlisted men of their respective commands; field officers of regiments and separate battalions by the written or printed ballots of the officers and enlisted men of their respective regiments and separate battalions; company officers by the written or printed ballots of the officers and enlisted men of their respective companies, troops and batteries.

Sec. 3046. The permanent commanders of divisions, brigades, regiments and separate battalions shall nominate for appointment by the governor the staff officers and shall appoint and warrant the noncommissioned staff officers that may be prescribed from time to time for their commands. Noncommissioned officers of companies, batteries, troops and detachments shall be appointed by the permanent commanders thereof and warranted in the manner prescribed by the governor.

Appointment
of staff and
noncommis-
sioned officers.

Sec. 3056. All enlistments in the organized militia shall be for the term of three years, but all persons honorably discharged at expiration of term of service may be re-enlisted for the term of one year. No enlisted man shall be discharged before the expiration of his term of service, except by order of the commander-in-chief, and for the following reasons:

Term of ser-
vice and dis-
charge.

To accept promotion by commission; upon removal of residence from the state, or permanent removal to such distance from the command to which he belongs, that, in the opinion of his commanding officer, he cannot perform his military duty; upon disability, established by the certificate of a medical officer; whenever, in the opinion of the commander-in-chief, the interests of the service demand such discharge; to carry out the sentence of a court martial. Dishonorable discharge, or discharge in such form as to forbid re-enlistment, shall be given only in accordance with the sentence of a court martial. Every soldier discharged from the service of the state shall be furnished with a certificate of such discharge, which shall state clearly the reason therefor. The adjutant general shall publish, in his annual report, the names of all officers and enlisted men dishonorably discharged during the year. (1892, April 18: 89 v. 411, 412).

Certificate.

Dishonorable
discharges
published.

Sec. 3070. The uniform for officers and enlisted men of the Ohio national guard shall be the same as that prescribed for the United States army, with such modifications as the governor may deem necessary from time to time to make. All uniforms issued by the state shall be used for military purposes only, and when issued shall be receipted for, kept and accounted for in the same manner, and under the same securities as provided for for the care of arms and equipments.

Uniforms.

Sec. 3072. The adjutant general shall have general direction over the state arsenal, state camp grounds and other military property of the state; and he shall employ

Adjutant
general to
have charge
of state
arsenal, camp
grounds, etc.

such labor thereat, as in the opinion of the governor, the necessities and best interests of the state require.

Adjutant
general to
have control
of all military
property of
the state.

Sec. 3073. The adjutant general shall direct the assistant quartermaster general in the charge of all ordnance, quartermaster's and other military stores received from the United States government or purchased by the state of Ohio; and he shall direct the issue of such stores to the organizations of the national guard, and the return of such stores from the organizations; and he shall provide for the collection and recovery of all arms and equipments in the possession of any person or persons not authorized to retain the same.

Adjutant
general to
purchase
equipment and
preserve arms,
equipments,
and stores.

Sec. 3075. The adjutant general may, after the appropriations are made for that purpose, purchase and keep ready for use, or issue to the national guard, as the best interests of the service may require, such amount and kind of camp and garrison equipment as shall be necessary; he shall see that all military stores both the property of the state and of the United States are properly cared for and kept in good order, ready for use; and all accounts which accrue against the state under the provisions of this section shall, if correct, be certified by the adjutant general, countersigned by the governor, and paid out of the state treasury, as other claims are paid. When any military stores belonging to the state become unserviceable, the adjutant general may convene a board of survey, consisting of not less than three commissioned officers of the Ohio national guard, who shall inspect such property, and if the same be found unserviceable, it may be condemned by said board. The adjutant general is hereby authorized to sell any condemned military stores belonging to the state, the sums realized from the sales thereof, to be turned into the state treasury, to be credited to any fund appropriated for the use of the Ohio national guard, as shall be determined at the time by the governor, adjutant general and auditor of state; or he may, in his discretion, exchange such condemned stores for such other military stores as the interests of the service may require, for the use of the Ohio national guard; and the adjutant general shall make a detailed report of such sales, purchases or exchanges to the governor, stating each article sold, purchased or exchanged, and the prices fixed for the same, which report shall be published in the annual report of the adjutant general.

May convene
board of sur-
vey.

Pay, etc., dur-
ing actual ser-
vice and en-
campments,
how paid.

Sec. 3083. Payment under the last two sections shall be made on the pay rolls prepared according to such forms as the adjutant general shall direct, upon warrant of the adjutant general, approved by the governor, out of moneys in the treasury appropriated for that purpose; and the necessary commissary and quartermaster stores, and medical supplies, and transportation for the troops in actual service, and while attending the annual encampment, and the transportation and subsistence of organizations of the Ohio national guard representing the state officially on occasions of ceremony within or without the state, shall

be contracted for by the proper department officers, by direction of the governor, and paid for in like manner.

SECTION 2. That sections 3023, 3033, 3034, 3036, 3037, 3038, 3039, 3040, 3042, 3043, 3044, 3046, 3056, 3070, 3071, 3072, 3073, 3074, 3075 and 3083 are hereby repealed. Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 23, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

Governor.

261G

[House Bill No. 508.]

AN ACT

To provide for the construction of sidewalks in villages.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of villages, may, upon the petition of the owners of two-thirds of the front feet of lots or lands abutting upon one or both sides of any street or portion of street between points designated in the petition, provide by ordinance for the construction of sidewalks along said street or portion thereof, on one or both sides, as designated in the petition, and of such materials and width as may be designated in said petition. The supervision of the construction of said sidewalks shall be by the council or a proper committee thereof. The construction of said sidewalks shall be governed in all respects by the provisions of title 12 of the Revised Statutes of Ohio relating to the improvement of streets. One-half of the cost and expenses of said sidewalk or sidewalks shall be defrayed by the village and the other half shall be assessed against the property abutting on such street or portion of street between the points designated in said petition, in the manner designated in said petition.

Provision for
the construction
of side-
walks in vil-
lages.

SECTION 2. Whenever council shall order sidewalks to be constructed in accordance with the prayer of a petition as referred to in the foregoing section, it shall also provide for the payment of the property owner's one-half of the cost and expenses thereof, in two or more equal annual installments, and make corresponding annual assessments therefor on the property abutting upon said improvement, and such assessment shall be collected or certified as assessments for street improvements, and be a lien upon the property assessed. The council is hereby authorized to issue bonds in anticipation of the collection of the amount chargeable against the property owners, which bonds shall bear interest at a rate not to exceed six per cent. per annum, and shall be sold for not less than par.

Assessments.

Bonds to pay
village's por-
tion of cost.

SECTION 3. For the purpose of paying the village's portion of the cost and expenses of constructing said sidewalk or sidewalks, the council is hereby authorized to borrow money at such times and in such amounts as may be required, and may issue bonds of the village for money so borrowed at a rate of interest not to exceed six per cent. per annum, payable semiannually, and of such denomination as the council may determine. The issuing and sale of such bonds shall be governed by the provisions of the Revised Statutes of Ohio applicable to the issuing and sale of municipal corporation bonds. The council is hereby authorized to levy upon all the taxable property of the village, in addition to the taxes now allowed by law, such tax as may be necessary to pay the principal and interest of said bonds as they mature, said tax to be levied and collected in the same manner as taxes for general purposes in villages are levied and collected.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
262G

[House Bill No. 542.]

AN ACT

To amend section 4925 of the Revised Statutes of Ohio as amended March 10th, 1902 (95 O. L., 496) and section 4928 of the Revised Statutes of Ohio as passed April 27th, 1872 (69 O. L., 180), relating to tax for repairs of improved roads by county commissioners.

Be it enacted by the General Assembly of the State of Ohio:

Miscellaneous
provisions re-
lating to
roads:

SECTION 1. That section 4925 of the Revised Statutes of Ohio as amended May 10th, 1902 (95 O. L., p. 496) and section 4928 of the Revised Statutes of Ohio as passed April 27th, 1872 (69 O. L., p. 180) be so amended as to read as follows:

When com-
missioners
authorized to
levy additional
road tax.

Sec. 4925. When two-thirds of the resident freehold taxpayers living on the line of any state road, county road, township road, or turnpike road, file a petition with the county commissioners asking for an extra tax for the purpose of constructing, improving or repairing such road, said commissioners shall levy such tax as in their judgment may be required, not to exceed six mills on the dollar valuation in any one year, on all the lands and taxable property for a distance on each side of such road not exceeding one mile, and in no case more than one-half the distance from such road to any other state, county, township or free turnpike

road running parallel or nearly parallel thereto. Provided that upon the filing of such petition the commissioners shall give notice of the time of hearing of such petition by publication for ten days in a newspaper of general circulation in the county and shall provide for the payment of costs as in other road cases. If upon the hearing the commissioners shall grant the prayer of the petition they shall appoint two freehold taxpayers of the road district who together with the road supervisor of the district in which the improvement is sought to be made shall constitute a road commission for the purpose of the improvement as prayed for and shall have the same powers and duties as road commissioners in other cases.

Road commissioners.

Sec. 4928. If in the judgment of the commissioners herein provided for, the improvement of such road may be done in whole or in part by the labor of the taxpayers within such road improvement district, the assessment of any taxpayer or any part thereof may be worked out on such road improvement.

Such tax may be paid in labor.

SECTION 2. That said section 4925 and section 4928 be and the same are hereby repealed.

Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
263G

[House Bill No. 560.]

AN ACT

To provide for village and township to jointly enlarge, improve or erect a public building.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the electors of an incorporated village and the electors of the township in which the village is situated, may if both so determine, as hereinafter provided, unite in the enlargement, improvement or erection of a public building.

Village and township may jointly enlarge, improve or erect public building.

SECTION 2. Whenever the electors of a village and township in which said village is situated desire to jointly enlarge, improve or erect a public building, application shall be made to the mayor of the village, signed by not less than twenty-five resident freeholders of said village, and an application shall also be made to the township trustees of said township, signed by not less than twenty-five resident freeholders of said township, who are not residents of said village.

Application to mayor and township trustees.

Submission of
question of
tax to a vote.

SECTION 3. At the next general municipal and township election after said applications have been filed with the mayor of said village and trustees of said township as provided herein, the question as to whether or not a tax shall be levied upon all the property subject to taxation in said village and township for the enlargement, improvement or erection of a public building, shall be submitted to the electors of said village and said township: Provided, however, that ten days' notice that said question will be submitted to the electors, shall be given, by the mayor of the village and the trustees of the township, in some newspaper of general circulation in said village and township; which notice shall state the maximum amount of money proposed to be used in the enlargement, improvement or erection of said public building and the rate of tax proposed to be levied.

SECTION 4. If at such election two-thirds of the electors of said village and township voting, vote in favor of said improvement, the council of said village and the trustees of said township shall jointly take such action as is necessary to carry out the improvement contemplated.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

Governor.

264G

[Senate Bill No. 148.]

AN ACT

Relating to certain proposed amendments to the constitution of Ohio, and the publication thereof.

Be it enacted by the General Assembly of the State of Ohio:

Return of
vote cast for
or against
constitutional
amendment.

SECTION 1. That at the general election to be held on the first Tuesday after the first Monday in November, 1905, the judges and clerks of election in each township, ward and precinct shall, in addition to the returns provided by law, at the same time make return of the vote cast for and against any proposed amendments that may be submitted to the voters of the state for adoption or rejection at such election.

Return by
deputy state
supervisors
of election to
state super-
visor of elec-
tions.

SECTION 2. A return, additional to the return now required by law to be made of the votes cast at such election for state officers and senators and representatives, and also for and against said proposed amendment or amendments to the constitution, shall be certified and made by the deputy supervisors of election of each county to the state super-

visor of elections, within ten days after said election; and within twenty days after said election the governor, secretary of state and attorney-general shall open said returns, and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them; and if it appears that a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them, the governor shall make proclamation thereof without delay.

Canvass of
vote.

SECTION 3. The state supervisor of public printing shall cause the amendments to the constitution proposed at the present session of the general assembly to be published once each week in not less than one newspaper of general circulation in each county of the state wherein a newspaper is published, once each week for six months, and until the first Tuesday after the first Monday of November, 1905, and in counties where newspapers of general circulation represent each of the two leading political parties, then such amendments shall be published in one newspaper of each political party once each week for six months, and until said first Tuesday after the first Monday of November, 1905; and in counties having a German newspaper of general circulation, once a week in a German newspaper for said time; and in counties having two German newspapers of opposite politics, of general circulation in the county, it shall be published in each of such German newspapers.

Publication of
proposed
amendments
to constitu-
tion.

SECTION 4. The charges for publication shall not exceed sixty per cent. of the rates established in section four thousand three hundred and sixty-six (4,366) of the Revised Statutes for legal advertising. The cost of publication shall be paid out of the state treasury from any money not otherwise appropriated, upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing, who shall make legal measurement of the matter published.

Charges for
publication.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 26.

MYRON T. HERRICK,

265G

Governor.

[Senate Bill No. 118.]

AN ACT

To license and regulate private employment agencies within the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. [That] no person, firm or corporation in this state shall open, operate or maintain a private employment agency for hire, or where a fee is charged to

Private em-
ployment
agent must
secure license
from state

commissioner
of labor sta-
tistics; fee,
posting of
license, etc.

Revocation of
license.

Register of
names of ap-
plicants for
employment or
help.

Fee, when to
be returned to
applicant.

Females;
when not to
be sent.

False or
fraudulent no-
tice; publica-
tion of.

either applicant for employment or for help without first obtaining a license for the same from the state commissioner of labor statistics. Such license fee in cities shall not be less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars per annum. In villages not less than ten (\$10.00) dollars nor more than twenty-five (\$25) dollars per annum. Every license shall contain the designation of the city or village, street and number of the building in which the licensed party conducts said employment agency. The license, together with a copy of this act, shall be posted in a conspicuous place in each and every employment agency. No agency shall print, publish or paint [on] any sign, window, or insert in any newspaper or publication, a name similar to that of the Ohio free public employment offices. The commissioner of labor shall require with each applicant for a license a bond in the penal sum of five hundred (\$500) dollars with one or more sureties, to be approved by the said commissioner, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this act. The said commissioner is authorized to cause an action or actions to be brought on said bond in the name of the people of the state of Ohio for any violation of [any of] its conditions, and he may also revoke upon a full hearing, any license whatever [whenever] in his judgment, the party licensed shall have violated any of the provisions of this act. It shall be the duty of every licensed agency to keep a register, in which shall be entered the name and address of every applicant. Such licensed agency shall also enter into a register the name and address of every person who shall make application for help or servants; and the name or nature of the employment for which such help shall be wanted. Such register shall at all reasonable hours, be open to the inspection and examination of the commissioner of labor or his agents. Where a registration fee is charged for receiving or filing applications for employment or help, said fee shall in no case exceed the sum of two (\$2) dollars for which a receipt shall be given, in which shall be stated the name of the applicant, the amount of the fee, the date, the name or character of the work or situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within one month after registration as aforesaid, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency, provided that such demand be made within thirty (30) days after the expiration of the period aforesaid. No agency shall send or cause to be sent any female help or servant to any place of bad repute, house of ill fame or assignation house, or any house or place of amusement kept for immoral purposes. No such licensed agency shall publish or cause to be published any false or fraudulent notice or advertisement, or to give any false information, or to make any

false promise concerning or relating to work or employment to any one who shall register for employment, and no licensed agency shall make any false entries in the register to be kept as herein provided. No person, firm or corporation shall conduct the business of any employment office in, or in connection with, any place where intoxicating liquors are sold.

SECTION 2. It shall be the duty of the commissioner of labor to enforce this act, when informed of any violation, it shall be his duty to institute criminal proceedings for the enforcement of its penalties before any court of competent jurisdiction. Any person convicted for the violation of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each offense, or by imprisonment in the county jail for a period not exceeding six (6) months, or both, at the discretion of the court.

Duty of commissioner of labor as to enforcement of this act.

SECTION 3. A private employment agency is defined and interpreted to mean any person, firm or corporation furnishing employment or help, or who shall display any employment sign or bulletin, or through the medium of any card, circular or pamphlet, offering employment or help, shall be deemed an employment agency, and subject to the provisions of this act, whether a fee or commission is charged or not: Provided that charitable organizations are not included.

Interpretation of term "private employment agency."

SECTION 4. The term "applicant for employment" as used in this act, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this act shall be construed to limit the meaning of the term "work" to manual labor, but it shall include professional service and all other legitimate service.

Meaning of term "applicant for employment" and "applicant for help."

SECTION 5. All money or moneys received from fees and fines as herein provided shall be held by [the] said commissioner of labor, and the same shall constitute a fund for the purpose of enforcing the provisions of this act; and the said commissioner shall at the end of each fiscal year, make an account of said fund and pay into the state treasury whatever balance shall remain after paying the necessary disbursements for the purpose of enforcing the provisions of this act.

Disposition of moneys received by commissioner of labor.

SECTION 6. All acts and parts of acts in conflict herewith are hereby repealed and this act shall take effect and be in force within sixty (60) days from and after its passage.

Repeals, etc.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 26.

MYRON T. HERRICK,

Governor.

AN ACT

To amend section 2102 (1536-373) of the Revised Statutes of Ohio, providing for the discharge and parole of prisoners from workhouses.

Be it enacted by the General Assembly of the State of Ohio:

Workhouses:

Discharge and
record there-
of.

Parole of in-
mates; rules,
regulations
and condi-
tions.

SECTION 1. That section 2102 (1536-373) be amended so as to read as follows:

Sec. 2102 (1536-373). Any board vested by statute with authority to manage any workhouse, now or hereafter established, shall have power to discharge, for good and sufficient cause, a person committed to such workhouse; but a record of all such discharges shall be kept and reported to the council, in the annual report of the board, with a brief statement of the reasons therefor. Said board shall also have power to establish rules and regulations under which, and to specify the conditions on which, any prisoner may be allowed to go upon parole outside of the buildings and enclosures, but to remain, while on parole, in the legal custody and under the control of said board, and subject at any time to be taken back within the enclosure of said institution; and full power to enforce such rules, regulations and conditions, and to retake and reimprison any convict so upon parole, is hereby conferred upon said board, whose written order, certified by its secretary, shall be sufficient warrant for all officers named therein to authorize such officers to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process; and said board may employ or authorize any person or persons to see that the conditions of said parole are not violated, and in case of such violation to return to said workhouse any such prisoner so violating said parole, and the time between the violation of the conditions of such parole, or conditional release (by whatever name), as entered by order of such board on the records of the workhouse and the reimprisonment or return of such prisoner, shall not be counted as any part or portion of time served under any sentence; and any prisoner at large upon such parole who fails to return to the actual custody of said workhouse as may be specified as one of the conditions of his parole, or commits a fresh crime and is convicted thereof, shall be, on the order of said board, treated as an escaped prisoner and subject to the penalties named in section two thousand one hundred and three (2103) of the Revised Statutes; provided, that no such parole shall be granted by any such board, without previous notice thereof to the trial judge.

SECTION 2. That section 2102 (1536-373) be and the ^{Repeals.} same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 25, 1904.
 Approved April 26.

MYRON T. HERRICK,
Governor.
 268G

[Senate Bill No. 179.]

AN ACT

To amend sections 2789a and 2789b of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2789a and 2789b of the Revised Statutes of Ohio, be amended, so as to read as follows:

Assessing
real estate:

Sec. 2789a. The board of county commissioners may appoint the county surveyor, who shall employ such number of assistants as may be necessary, not exceeding four, to provide for making, correcting, and keeping up to date a complete set of tax maps of the county, and which maps shall show all original lots and parcels of land, and, also, all divisions, subdivisions and allotments of the same, together with the name of the owner of each original lot or parcel and of each division, subdivision or lot in the same; also, all new divisions, subdivision or allotments made in the county; all transfers of property showing the lot or parcel of land transferred, the name of the grantee, and the date of the transfer, so that such maps shall furnish the auditor, for entering on the tax duplicate a correct and proper description of each lot or parcel of land offered for transfer. Such maps shall be for the use of the board of equalization and the auditor, and shall be kept in the office of the county auditor.

Tax maps of
subdivisions,
etc.

Sec. 2789b. The board of county commissioners shall fix the salary of the draftsman at not to exceed \$2,000.00 per year; they shall likewise fix the number of assistants not to exceed four, and fix the salary of such assistants at not to exceed \$1,500.00 per year. The salaries of the draughtsman and assistants shall be paid out of the county treasury in the same manner as the salary of other county officers are paid.

Draughtsman
and assist-
ants; compen-
sation and
how paid.

Canvass of vote.

(Canvass of vote.) And the poll-books so returned shall, within five days from the time of holding such election, be opened, and the votes counted by the commissioners and the auditor of the county, a correct statement of the result of which votes shall be kept by said auditor and filed [on file] in his office for public inspection.

Question may be submitted again on petition.

(Question may be submitted again on petition.) If a majority of the votes so cast shall be against the policy of such improvements, the commissioners shall not assess any tax for that purpose, but the commissioners may, on the petition of not less than one hundred taxpayers of said county again submit the same question at any regular annual spring or fall election, under the same rules and regulations as before provided.

Majority vote necessary to authorize levy.

(Majority vote necessary to authorize levy.) If at any such election a majority shall be found in favor of the improvement as aforesaid, then the commissioners shall be authorized to proceed to levy the tax.

Improvements in course of construction.

(Improvements in course of construction.) Provided, that this section shall not apply to the construction of any public buildings or bridges commenced or contracted for prior to the passage of this title, or for which the commissioners have in good faith purchased the grounds, or acquired the material for the same, and are not proceeding to construct.

Repair of condemned bridge; or erection of new bridge; commissioners may anticipate collection of taxes; issue of bonds.

(Repair of condemned bridge, or erection of new bridge; commissioners may anticipate collection of taxes; issue of bonds.) And provided further, that in case an important bridge belonging to or maintained by any county has become or may hereafter become dangerous to public travel by decay or otherwise and shall have been condemned for public travel by the commissioners of such county and the repairs thereof, or the building of a new bridge in place thereof, is deemed by them to be necessary for the public accommodation, the commissioners of such county are hereby authorized, without first submitting the question to the voters of the county, to levy a tax for either of said purposes in an amount not to exceed in any one year two-tenths of one mill for every dollar of taxable property upon the tax duplicate of said county, and if the said commissioners deem it necessary or advisable in any case, they may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so levied at any rate of interest not exceeding six per cent. per annum, payable semiannually, and may issue notes or bonds therefor, payable when said tax shall be collected; or said commissioners without such submission of the question, may proceed under the authority conferred by section 871 of the Revised Statutes to borrow such sums of money as may be necessary for either of the purposes before mentioned, and to issue bonds therefor, and for the payment of the principal and interest on such bonds, said commissioners shall annually levy a tax as provided in section 873 of the Revised Statutes.

SECTION 2. That said original section 2825 of the Revised Statutes be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 26.

MYRON T. HERRICK,
Governor.
271G

[Senate Bill No. 586.]

AN ACT

To make appropriation for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated, from any moneys raised or coming into the state treasury for the support of the common schools, for the fiscal year ending November 15th, 1905, the sum of two million one hundred fifty thousand five hundred dollars (\$2,150,500) to be distributed for that purpose at a rate of one dollar and seventy (\$1.70) cents annually, for each enumerated school youth, and paid in the manner provided by section 3956 of the Revised Statutes. Appropriation
for the support
of the com-
mon schools.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
272G

[House Bill No. 145.]

AN ACT

To amend section 3080 and section 3085 of the Revised Statutes of Ohio, as amended April 4, 1902; relative to armory rents.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3080 and section 3085 of the Revised Statutes of Ohio as amended April 4, 1902 be and are hereby amended to read as follows:

Sec. 3080. Upon the approval of the adjutant general, there shall be allowed, annually, for the care of state property and other incidental expenses, to the headquarters of the division and of each brigade, the sum of three hundred dollars,

Ohio national
guard:

Yearly pay-
ment to or-
ganizations.

to the headquarters of each regiment and unattached battalion a sum equal to sixty dollars for each company comprising the command, and to the band of each regiment and unattached battalion, and to each company of infantry, engineers, signal company, naval brigade and troop of cavalry, the sum of two hundred dollars; and to each battery of artillery, the sum of fifty dollars for each gun; these sums to be paid to the commanding officer of each organization, who shall account for these funds in such manner as may be directed by the commander-in-chief, provided that when the sum appropriated for such purpose is not sufficient for the full allowance of said amounts to each of such organizations, the adjutant general shall apportion the amount appropriated pro rata to the several organizations in the state, and provided, further, that no part of said money shall be paid to any organization until all the returns and reports required by law and orders shall have been filed with the adjutant general.

Armories.

Sec. 3085. The state, acting through the adjutant general and the commanding officers of the different military organizations of the state, shall provide for each organization a suitable armory for the purpose of drill, and for the safe-keeping of the arms, equipment, uniforms and other military property furnished by the state, which armory shall be inspected and approved by an officer detailed by the commander-in-chief, whose report shall be filed in the office of the adjutant general, and that the sum of one hundred dollars per year shall be paid to the commanding generals of the division and each brigade, and the sum of six hundred dollars per year shall be paid to the commanding officer of each regiment, unattached battalion, company, battery, troop and regimental or unattached battalion band, to pay the necessary rental and expenses of such armory each year, but before these sums are paid, such officer shall execute a bond to the state of Ohio, in double the amount thereof, conditional for the proper expenditure of the amount, and to account for any unexpended balance on hand, and the sum of seven hundred dollars shall be paid to the adjutant general each year, to pay for the expenses of inspecting such armories, and for seeing to the proper securing, distribution and expenditure of such funds, which sum shall be provided for by general appropriation, provided that no part of said money shall be paid to any organization until all the returns and reports required by law and orders shall have been filed with the adjutant general.

Repeals.

SECTION 2. That sections 3080 and 3085 of the Revised Statutes of Ohio as amended April 4, 1902 are hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 14, 1904.

Approved April 26, 1904.

IRON T. HERRICK,

Governor.

[Senate Bill No. 180.]

AN ACT

Permitting certain fraternal beneficiary associations that have been doing business within the state of Ohio to continue their business therein.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Any fraternal beneficiary society organized under the laws of any other state, and doing business pursuant to the laws of the state where organized, which has been doing business in this state for a period of five years or more and for four years under license of the superintendent of insurance and has at this time a membership of not less than two thousand within the state, shall be permitted to continue its business therein and be licensed therefor in accordance with the provisions of this act.

Certain fraternal beneficiary societies now doing business in this state may continue in business.

SECTION 2. Before receiving a license to continue business within this state, any society coming within the provisions of section 1 hereof shall file with the superintendent of insurance a duly certified copy of its charter or articles of association; a copy of its constitution or laws, certified by its secretary or corresponding officer; a power of attorney to the superintendent as provided in the general fraternal beneficiary law; a certificate from the proper official in its home state, province or country that the association is legally organized; a copy of its contract which must show that benefits are provided for by assessments upon, or other payments by, persons holding similar contracts, and upon furnishing the superintendent such other information as he may deem necessary to a proper exhibit of its business and plans of working, and, if the superintendent finds that its assets are invested in accordance with the laws of its home state, province or country where it is organized, he shall license such association to do business in this state until the first day of the succeeding April, and such license shall, upon compliance with the provisions of this act, be renewed annually, but in all cases to terminate on the first day of the succeeding April; provided, however, that no license or renewal shall be issued to any association not now authorized by the superintendent of insurance to transact business in this state as herein defined, or not now licensed by the supervising insurance official of any other state to transact business therein, which has not adopted a rate of assessments or payments for death benefits at least equal to those required by the national fraternal congress table of mortality with interest at four per cent. For each such license or renewal the association shall pay the superintendent twenty-five dollars (\$25.00).

Conditions under which such society may be licensed.

SECTION 3. All of the provisions of the general fraternal beneficiary law not inconsistent with this act shall

General law shall apply if now inconsistent.

apply to associations or societies coming within the provisions of this act.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.
Approved April 26, 1904.

MYRON T. HERRICK,
Governor.
274G

[Senate Bill No. 205.]

AN ACT

To amend an act entitled, "An act to amend an act entitled, 'An act to amend section 148c of the Revised Statutes of Ohio,' and to relieve owners of shares of stock in both foreign and domestic companies from double taxation."

Be it enacted by the General Assembly of the State of Ohio:

Secretary of
state:

SECTION 1. That section 148c of the Revised Statutes of Ohio, as amended May 10, 1902, be amended so as to read as follows:

Foreign corporations doing business in this state to file statement with secretary of state.

Sec. 148c. Every foreign corporation, incorporated for purposes of profit, now or hereafter doing business in this state, and owning or using a part or all of its capital or plant in this state, shall, within thirty days after the passage of this act, or, in case of a company hereafter coming into this state, then before it proceeds to do any business in this state, under the oath of the president, secretary, treasurer, superintendent or managing agent in this state of such corporation, make and file with the secretary of state, a statement, in such form as the secretary of state may prescribe, containing the following facts:

1. The number of shares of authorized capital stock of the company, and the par value of each share.
2. The name and location of the office or officers of the company in Ohio, and the name and address of the officers or agents of the company in charge of its business in Ohio.
3. The value of the property owned and used by the company in Ohio, where situate, and the value of the property of the company owned and used outside of Ohio.
4. The proportion of the capital stock of the company which is represented by property owned and used (and) by business transacted in Ohio.

Fee to be charged by secretary of state.

From the facts thus reported, and any other facts coming to his knowledge bearing upon the question, the secretary of state shall determine the proportion of the capital stock of the company represented by its property and business in Ohio, and shall charge and collect from the company, for the privilege of exercising its franchises in Ohio, one tenth of one per cent. upon the proportion of the author-

ized capital stock of the corporation, represented by property owned and used and business transacted in Ohio, being the same fee required to be paid by corporations formed under the laws of Ohio. Upon the payment of the said amount, the secretary of state shall issue to the foreign corporation a certificate that such corporation has complied with the laws of Ohio, and is authorized to do business therein, stating the amount of its entire capital and the proportion of which is represented in Ohio. Provided, this section shall not apply to foreign insurance, banking, savings and loan, or building and loan companies, or to foreign, co-operative or investment companies organized to sell certificates or debentures on the installment or partial payment plan, or companies doing business on the service dividend plan, who have deposited with the treasury of the state of Ohio security satisfactory to him of the value of not less than twenty-five thousand dollars, and who shall annually thereafter deposit securities equal in value to ten per cent. of the gross receipts on the amount of business done in Ohio for the preceding year, until the whole amount so deposited has reached the sum of one hundred thousand dollars, for the protection of the holders of said certificates or debentures, or to express, telegraph, telephone, railroad, sleeping car, transportation or other corporations engaged in Ohio in interstate commerce business; or to foreign corporations entirely nonresident, soliciting business, or making sales, in this state by correspondence or by traveling salesmen. Any foreign corporations shall have the right, on application, to be heard by the secretary of state, touching the matter of the determination of the proportion of its capital stock represented by property used and business done in Ohio. Any corporation aggrieved by the decision of the secretary of state, may, within ten days, appeal to the auditor of state, the treasurer of state and the attorney-general, whose decision in the matter shall be final. Every foreign corporation subject to the provisions of this section which shall neglect or fail to comply with its requirements, shall be subject to a penalty of one thousand dollars, and an additional penalty of one thousand dollars (for) every month that it continues to transact any business in Ohio without complying with the requirements of this section, to be recovered by action in the name of the state, and on collection, paid into the state treasury to the credit of the general revenue fund. The attorney-general, on the request of the secretary of state, shall institute such action in the court of common pleas of Franklin county, or in any county in which such corporation has an office or place of business as he prefers. The governor and secretary of state, on good cause shown, may, in their discretion, remit the penalty, or any part thereof, prescribed in this section. No foreign corporations subject to the provisions of this section, shall maintain any action in this state upon any contract made by it in this state after the time fixed by this act for compliance by

Certain companies
ex-
cepted.

Appeals.

Penalty for
failure to
comply.

Suit to com-
pel com-
pliance; pen-
alty may be
remitted.

Requirements
of corpora-
tions when
capital stock
increased.

Fees collected
to be paid in-
to state
treasury.

Not liable to
attachment.

When persons
are not re-
quired to list
for taxation
shares of cap-
ital stock of
corporation.

Repeals.

such corporation with its requirements, until it shall have complied with the requirements of this act, and procured the requisite certificate from the secretary of state. Every corporation which has filed its statement and paid the privilege tax under this section, and which thereafter shall increase the proportion of its capital stock, represented by property used and business done in Ohio, shall within thirty days after such increase, file an additional statement with the secretary of state, and pay a fee of one-tenth of one per cent. upon the amount of its increase of its capital stock, represented by property owned or business done in Ohio. All fees collected by the secretary of state under this section shall be paid by him into the state treasury to the credit of the general revenue fund. Every corporation subject to the provisions of this section which complies with its requirements, shall not be subject to process of attachment under section 5521, Revised Statutes, or any law of Ohio, upon the ground that it is a foreign corporation or a nonresident of this state. No person shall be required to list for taxation any share or shares of the capital stock of any Ohio corporation. No person shall be required to list for taxation any share or shares of the capital stock of any foreign corporation the property of which is taxed in the name of such company in Ohio, nor shall any person be required to list for taxation any share or shares of the capital stock of any foreign corporation. If satisfactory proof, when demanded, is furnished to the taxation authorities by the holder of such share or shares that two-thirds or more of the property of such corporation is taxed in Ohio and the remainder is taxed in some other state or states of the United States; provided, however, that this shall not apply to shares in any foreign corporation unless it shall, whether otherwise required by law to do so or not, pay annually for the privilege of exercising its franchise in Ohio, upon its entire authorized capital stock, the same percentage as is required by law on the subscribed or issued capital stock of domestic corporations for profit.

SECTION 2. That said section 148c as amended May 10, 1902, is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 27, 1904.

MYRON T. HERRICK,

Governor.

275G

AN ACT

To amend sections 3184, 3184c, 3185, 3191, 3194, 3195, 3197 and 3200, and to re-enact 3193, 3198, 3201, 3202, 3203 and 3204 of the Revised Statutes of Ohio, for the protection of mechanics, laborers and material men.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3184, 3184c, 3185, 3191, 3194, 3195, 3197 and 3200 be amended and sections 3193, 3198, 3202, 3203 and 3204 of the Revised Statutes of Ohio be re-enacted so as to read as follows:

Sec. 3184. That every person who shall do or perform any work or labor upon or furnishes machinery, material or fuel for constructing, altering, or repairing a boat, or vessel, or other water craft, or for erecting, altering, repairing or removing a house, mill, manufactory, or any furnace or furnace material therein, or other building, appurtenance, fixture, bridge, or other structure, or for digging, drilling, boring, operating, completing or repairing of any gas well, oil well, or any other well, or performs labor in altering, repairing, or constructing any oil derrick, oil tank, oil or gas pipe line, or furnishes tile for the drainage of any lot or land by virtue of a contract, expressed or implied, with the owner, part owner or lessee, of any interest in real estate or the authorized agent of the owner, part owner, or lessee of any interest in real estate, shall have a lien to secure payment of the same upon such boat, vessel, or other water craft, or upon such house, mill, manufactory, furnace, or other building, or appurtenance, fixture, bridge, or other structure, or upon such gas well, oil well, or any other well, or upon such oil derrick, oil tank, oil or gas pipe line, and upon the material or machinery so furnished, and upon the interest, leasehold or otherwise, of the owner, part owner, or lessee in the lot or land upon which the same may stand, or to which the same may be removed.

Sec. 3184c. Any owner, contractor or subcontractor who shall purchase materials on credit, and represent at the time of purchase that the same are to be used in a designated building, or other improvement, and shall thereafter use, or cause to be used, the said materials, in the construction of any building or improvement other than that designated, without the written consent of the person of whom the materials were purchased, with intent to defraud such person, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars.

Sec. 3185. Such person, in order to obtain such lien, shall within four months from the time of completion of such labor, or furnishing such machinery, material or fuel, file with the recorder of the county where the labor was performed, or the machinery or the material or fuel furnished, an affidavit containing an itemized statement of the

Liens:

Lien upon
water craft,
building,
bridge, etc.

Penalty for
wrongful use
of material
purchased by
contractor.

How lien ac-
quired.

value and amount of such labor, machinery, material or fuel, and a description of any promissory note or notes given for such labor, machinery, material or fuel, or any part thereof, with all credits or offsets thereon, a copy of the contract, if it is in writing, a statement of the amount and times of payments to be made thereunder and a description of the land on which the gas well, oil well, or other wells are situated, or the land on which the house, mill, furnace, manufactory, or other building or appurtenance, fixture, bridge, or other structure may stand, or to which it may be removed, or on which such tile for drainage purposes may have been used; and the same shall be recorded in a separate book to be kept therefor, and shall operate as lien from the date of the first item of the labor performed, or the machinery, material or fuel furnished, upon or toward the property designated in section 3184 and the interest of the owner in the lot, or land upon which the same may stand, or to which it may be removed, for six years from and after the date and of the filing of such attested statement. If any action be brought to enforce such lien within that time, the same shall continue in force until the final adjudication thereof; and there shall be no homestead or other exemption against any lien under the provisions of this chapter. Such person so filing the affidavit herein provided, shall within thirty days thereafter, notify the owner of the property, his agent or attorney that he claims such lien, and if he fail to do so, the lien so secured shall be null and void.

Owner of property must be notified of filing of such mechanics' lien.

Owner may require lien holder to commence suit.

Sec. 3191. The owner of property upon which a lien has been taken to secure any mechanic, laborer, or material man may notify, in writing, the owner of the lien, or his agent or attorney, to commence suit thereon, and if he fails to commence the suit within sixty days after receiving such written notice the lien shall be null and void, but nothing herein contained shall prevent the claim from being collected as other claims are collected by law.

Subcontractors' lien; how acquired.

Sec. 3193. Any subcontractor, material man, laborer or mechanic, who has performed labor or furnished material, fuel or machinery, who is performing labor, or furnishing material, fuel, or machinery, or who is about to perform labor, or furnish material, fuel or machinery for the construction, alteration, removal, or repair of any property, appurtenance or structure, as described in sections three thousand one hundred and eighty-four and three thousand one hundred and eighty-six, or for the construction, improvement or repair of any turnpike, road improvement, sewer, street or other public improvement, or public building provided for in a contract between the owner, or any board, officer or public authority and a principal contractor, and under a contract between such subcontractor, material man, laborer or mechanic and a principal contractor or subcontractor, may at the time of beginning to perform such labor or furnish such material, fuel or machinery, or at any time thereafter, not to exceed four months from the

performance of such labor or the delivery of such machinery, fuel or material, file with the owner, board or officer, or the authorized clerk or agent thereof, a sworn and itemized statement of the amount and value of such labor performed, and to be performed, material, fuel or machinery furnished, containing a description of any promissory note or notes that may have been given by the principal contractor or subcontractor on account of said labor, machinery or material, or any part thereof, with all credits and set-offs thereon.

Sec. 3194. Upon receiving the notice required by the preceding section, such owner, board or officer or public authority or authorized clerk, agent or attorney thereof, shall detain in his hands, all subsequent payments from the principal or subcontractor to secure such claims and the claims and estimates of other subcontractors, material men, laborers, mechanics, or persons furnishing materials to or performing labor for any contractor or subcontractor who may intervene before the next subsequent payment under the contract, or within ten days thereafter.

Upon such notice owner shall retain subsequent payments.

Sec. 3195. Such subcontractor, material man, mechanic, laborer or person so filing his statement with the owner, board, officer, or authorized clerk or agent or attorney thereof, shall, in order to notify his fellow subcontractors, material men, mechanics and laborers, at the same time file a copy thereof with the recorder of the county where such property is situate, which if he fail to do, the filing of the notice with the owner, board, officer, or authorized clerk, agent or attorney thereof shall give him no preference over other claimants; and for filing or making any copy of such statement or certificate of the date of such filing the recorder shall be entitled to the same fees as are provided by law for similar services in regard to chattel mortgages.

Filing of statement with recorder to notify fellow laborers, etc.

Recorder's fees.

Sec. 3197. All other subcontractors, material men, laborers, mechanics or persons furnishing material, fuel or machinery who, before the first subsequent payment falls due after the deposit of a copy of such statement with the county recorder by any subcontractor, material or machinery man, laborer, or person furnishing material, or within ten days thereafter, file with such owner, board, officer or authorized clerk, agent or attorney thereof, a sworn and itemized statement or estimate of the labor, machinery, fuel or material furnished or to be furnished by them under a contract with a principal or subcontractor, containing a description of any promissory note or notes given for the same, or any part thereof, shall be paid pro rata with the person first so filing such statement and with each other, out of said first and other subsequent payments so falling due; but upon failure so to do, they shall have no recourse against the owner, board, officer, or the clerk or agent thereof for any prior payments made under his contract with his head contractor or subcontractor.

Pro rata payment of subcontractors out of subsequent payments due head contractor.

Copy of statement to be furnished to head contractor; his duty.

Sec. 3198. The owner, board, officer, or clerk, agent or attorney thereof, upon the receipt of such statement shall, or the lien claimant, his agent or attorney, in the name of such owner, board or officer, may, furnish the principal contractor, or subcontractor with a copy thereof, within five days after receiving the same, and if such principal or subcontractor fail, within five days after such receipt by him, to notify, in writing, such owner, board, officer, or clerk, agent or attorney thereof of his intention to dispute such claim, he shall be considered as assenting to the correctness thereof, and thereupon such subsequent payment shall be applied by such owner, his agent or attorney, pro rata, upon such claim, and the amounts, when due, of such claim or estimates as have been meanwhile filed by other subcontractors, material men, laborers, mechanics or persons furnishing materials, and assented to or adjusted as provided for in this chapter, before the first of such subsequent payments falls due, or within ten days thereafter; but claims in favor of laborers, mechanics, and persons furnishing material to a contractor, shall be paid before the claims of subcontractors, and those of subcontractors before the principal contractor.

Priority of liens.

Remedy of subcontractor when his contractor or the owner, etc., refuses to pay.

Sec. 3200. If a head contractor or subcontractor neglect or refuse to pay, within five days after his assent to or adjustment of any claim, the amount thereof, and costs incurred, to the subcontractor or material man, laborer or mechanic, the owner, board, officer or clerk or agent thereof, shall pay, when due, the whole or a pro rata amount thereof as the case may be, as above provided out of payments subsequently falling due, and on his failure so to do, within ten days thereafter, the subcontractor or material man, laborer, mechanic or person furnishing material may recover against the owner, in an action for money had or received, when due, the whole or a pro rata amount, as the case may be, of his claim or estimate, not exceeding in any case the balance due to the principal contractor.

When and how subcontractor may obtain lien on the property of the owner, date of lien.

Sec. 3201. If out of subsequent payments, as they severally fall due under the contract, and for ten days thereafter, the owner or his authorized agent neglect or refuse to pay, when due, the whole or a pro rata amount, as the case may be, of the sworn statement or estimate of any subcontractor, material man, laborer, or mechanic, such subcontractor, material man, laborer or mechanic shall file, within four months thereafter, with the recorder of the county wherein the property is situate, an affidavit containing an itemized statement and description of any note with the amount and value of such labor, machinery, or material with all credits and set-offs thereon, together with the statements required by sections three thousand one hundred and eighty-five or three thousand one hundred and eighty-seven, as the case may be, from principal contractors, and shall thereby have a lien to secure the payment of such claim upon the boat, vessel, or other water craft, or upon the house, mill, manufactory, building appurtenance, fixture,

bridge, or other structure or gas well, oil well or other well upon which the labor was done, or machinery or material were furnished, and upon the interest of the owner in the lot of land on which the same stands, or to which it may be removed, which lien shall date back to the date of the furnishing of the first item of such labor, machinery or material and have the same operation, effect and duration, and be subject to the same obligation with respect to the owner, as the lien of a head contractor in similar cases.

Sec. 3202. Such lien shall be superior to any already taken or to be taken by the head contractor in respect of the same labor, machinery, fuel or material, and the liens of laborers, mechanics, or persons furnishing machinery, fuel or material to a contractor or subcontractor, shall be superior to any lien taken or to be taken by such contractor or subcontractor indebted to them in respect of such labor, machinery or material. The lien of a promissory note described in any such statement shall take effect from the date of the first item included in such notes, and an assignment or transfer by such head contractor, or subcontractor, of his contract with the owner, or head contractor, as well as all proceedings in attachment, or otherwise, against such head contractor or subcontractor, to subject or incumber his interest in such contract, shall save and be subject to the claims of every laborer, mechanic, subcontractor or material man, who has furnished any labor, machinery, fuel or material towards the construction, alteration, removal, or repair of any building or other property designated in this chapter.

Such lien entitled to priority over lien of head contractor; assignments, attachments, etc.

Sec. 3203. If by collusion or fraud, the owner, board, officer, or the authorized clerk or agent thereof, pay in advance of the payments due under the contract, and thereby diminish the amount of funds for such laborer, mechanic, subcontractor, or material man he shall be liable to such laborer, mechanic, subcontractor or material man to the amount that would have been due on such contract at the date of filing of an account and affidavit in such manner as if no payment had been made.

Effect of collusion or fraud in payment to principal contractor.

Sec. 3204. Any notice, affidavit or copy required to be served under the provisions of this chapter may also be served by the sheriff of the county within which the person, board or officer sought to be served is resident, in manner and form, and for which he shall be entitled to the same fees as provided by law for service of summons in a civil action for money only, and if the owner of property sought to be subjected to a lien resides without the state, or is beyond the reach of process, notice may be given by publication as in civil actions.

Service of notice, affidavits, etc.; how made.

Repeals.

SECTION 2. That said original sections 3184, 3184c, 3185, 3191, 3194, 3195, 3197 and 3200 be and the same are hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 20, 1904.

Approved April 27, 1904.

MYRON T. HERRICK,
Governor.
276G

[House Bill No. 36.]

AN ACT

To amend section 7, of an act passed October 22, 1902, entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," (O. L. 96, V. 20.) to give municipal corporations power to grant the right to use streets for pipes for conducting hot water and for the construction of rolling roads.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations:

SECTION 1. That section 7, of an act passed October 22, 1902, entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith" (O. L. 96, V. 20.) be amended so as to read as follows:

General powers of municipalities.

Sec. 7. Every city and village shall be a body politic and corporate, which shall have perpetual succession, may use a common seal, sue and be sued, and acquire property by purchase, gift, devise, or appropriation for any municipal purpose herein authorized, and hold, manage and control the same and make any and all rules and regulations, by ordinance or resolution, that may be required to carry out fully all the provisions of any conveyance, deed or will, in relation to any gift or bequest. All municipal corporations shall have the following general powers and council may provide by ordinance or resolution for the exercise and enforcement of the same:

Riots, gambling, etc.

1. To prevent riot, gambling, noise and disturbance, indecent and disorderly conduct or assemblages, and to preserve the peace and good order, and protect the property of the corporation and its inhabitants.

2. To regulate billiard and pool tables, nine or ten pin alleys or tables, and shooting and ball alleys; and to authorize the destruction of instruments or devices used for the purpose of gambling.

Billiards, ten pins, etc.

3. To prevent injury or annoyance from anything dangerous, offensive, or unwholesome; to cause any nuisance to be abated; and to regulate and compel the consumption of smoke, and prevent injury and annoyance from the same, and to regulate and prohibit the use of steam whistles.

Nuisance.

4. To suppress and restrain disorderly houses and houses of ill fame, and to provide for the punishment of all lewd and lascivious behavior in the streets and other public places.

Houses of ill fame.

5. To regulate ale, beer, porter houses and shops, and the sale of intoxicating liquors as a beverage. But nothing in this act shall be construed to amend, repeal or in any way affect the provisions of an act entitled, "An act to amend section 4364-20 of the Revised Statutes of Ohio, and to supplement said section by enacting supplementary sections 4364-20a, 4364-20b, 4364-20c, 4364-20d, 4364-20e, 4364-20f, 4364-20g, 4364-20h, and 4364-20i," passed April 3, 1902, (95 O. L. 87).

Intoxicating liquors.

6. To regulate taverns and other houses for public entertainment.

Taverns.

7. To regulate, by license or otherwise, restrain or prohibit theatrical exhibitions and public shows of whatever name or nature, for which money or other reward is demanded or received; to regulate, by license or otherwise, the business of trafficking in theatrical tickets or other tickets of licensed amusements, by parties not acting as agents of those issuing the same, but public school entertainments, lecture courses and lectures on historic, literary or scientific subjects shall not come within the provisions of this section.

Theatrical exhibitions and tickets.

8. To regulate auctioneering; and to regulate, license or prohibit the sale at auction of goods, wares and merchandise or of live domestic animals at public auction in the streets or other public places within the corporation; and to regulate, license or prohibit the selling of goods, merchandise or medicines on the streets.

Auctions.

9. To regulate the use of carts, drays, wagons, hackney coaches, omnibuses, automobiles, and every description of carriages kept for hire or livery stable purposes; and to license and regulate the use of the streets by persons who use vehicles, or solicit or transact business thereon; to prevent and punish fast driving or riding of animals, or fast driving or propelling of vehicles through the public highways; to regulate the transportation of articles through such highways and to prevent injury to such highways from overloaded vehicles, and to regulate the speed of interurban, traction and street railway cars within the corporation.

Carriages, drays, etc.

Animals running at large.

10. To regulate, restrain and prohibit the running at large, within the corporation, of cattle, horses, swine, sheep, goats, geese, chickens and other fowls and animals, and to impound and hold same, and on notice to the owners, to authorize the sale of the same for the penalty imposed by any ordinance, and the cost and expenses of the proceedings; and to regulate or prohibit the running at large of dogs, and provide against injury and annoyance therefrom, and to authorize the disposition of the same when running at large contrary to the provisions of any ordinance.

Explosives.

11. To regulate the transportation, keeping and sale of gunpowder and other explosives or dangerous combustibles and materials and to provide or license magazines for the same.

Weighing.

12. To regulate the weighing and measuring of hay, wood and coal and other articles exposed for sale, and to provide for the seizure, forfeiture and destruction of weights and measures, implements and appliances for measuring and weighing which are imperfect or liable to indicate false or inaccurate weight or measure, or which do not conform to the standards established by law and which are known, used or kept to be used for weighing or measuring articles to be purchased, sold or offered or exposed for sale.

Buildings, fences, etc.

13. To regulate the erection of buildings and the sanitary condition thereof, fences, bill boards, signs, and other structures within the corporate limits; to require, regulate and provide for the numbering and renumbering of buildings either by the owners or occupants thereof or at the expense of the municipality; to name or rename streets, alleys, highways and public places; to regulate the repair of, alteration in and addition to buildings; to provide for the construction, erection and placing of elevators, stairways and fire escapes in and upon buildings; to regulate the construction and repair of wires, poles, plants and all equipment to be used for the generation and application of electricity; to provide for the removal and repair of insecure buildings, bill boards, signs and other structures, and to provide for the inspection of all buildings or other structures and for the licensing of house movers, plumbers and sewer tappers and vault cleaners.

Police and fire departments.

14. To organize and maintain police and fire departments, erect the necessary buildings and purchase and hold all implements and apparatus required therefor.

Waterworks.

15. To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water pipes, reservoirs and waterworks, and for the protection thereof, and to prevent unnecessary waste of water, and the pollution thereof, and to apply moneys received as charges for water to the maintenance, construction, enlargement and extension of the works, and to the extinguishment of any indebtedness created therefor; and to establish and maintain municipal lighting, power, and heating plants, and to establish, maintain and operate natural gas plants and

Lighting, power and heating plants.

to furnish the municipality and the inhabitants thereof with natural gas for heating, lighting and power purposes, and to acquire by purchase, lease or otherwise the necessary lands for such purposes, within and without the municipality.

16. To provide for the public health; to secure the inhabitants of the corporation from the evils of contagious, malignant and infectious diseases, and to purchase or lease property or buildings for pest houses and to erect, maintain and regulate pest houses, hospitals and infirmaries. Health.

17. To provide public cemeteries and crematories for the burial or incineration of the dead and to regulate public and private cemeteries and crematories. Cemeteries and crematories.

18. To lay off, establish, plat, grade, open, widen, narrow, straighten, extend, improve, keep in order and repair, light, clean and sprinkle streets, alleys, public grounds, places and buildings, wharves, landings, docks, bridges, viaducts and market places within the corporation, including any portion of any turnpike or plank road therein, surrendered to or condemned by the corporation; to regulate public landings, public wharves, public docks, public piers and public basins, and to fix the rates of landing, wharfage, dockage and the use of the same; and to regulate the planting, trimming and preservation of shade trees in streets, alleys, public grounds and places, and to provide for the planting, removal, trimming and preservation of such trees and other ornamental shrubbery; and to use, or by ordinance grant, for periods not exceeding twenty-five years, the use of its streets, avenues, alleys, lanes and public places, to lay pipes, conduits, manholes, drains and other necessary fixtures and appliances, under the surface thereof, to be used for supplying such municipality and its inhabitants with steam or hot water, or both, for heat or power purposes or both; and to use or grant, for periods not exceeding twenty-five years, the use of its streets, avenues, alleys, lanes and public places for the construction of inclined movable or rolling roads, for the conveying or moving of freight, vehicles, animals and other property, and those in charge of the same, upon such terms as the council of such municipal corporation may deem proper; provided, that such municipal corporations shall in all such grants reserve the right to regulate, at intervals of not less than five (5) years, the prices which the grantee or grantees may charge for such heat or power, or for the conveying or moving of such freight, vehicles, animals and other property; and provided, further that no grant for the use of such streets, avenues, alleys, lanes and public places for the construction of such inclined movable or rolling roads shall be made until there is produced to the council of such municipal corporation the written consent of the private property owners of more than two-thirds of the feet front of such lots and lands abutting on the street, avenue, alley, lane or public place, or part thereof, upon or over which it is proposed Streets.

to construct such inclined movable or rolling road. And that in all municipal corporations which may have heretofore, by ordinance authorized the use by any person or corporation, of the streets, avenues, alleys, lanes and public places of such municipal corporation for the purpose of laying pipes and drains below the surface thereof to convey and supply its inhabitants or the corporation, or, both, with heat by means of steam or hot water, or both, such ordinance shall be held as valid and binding as if the power in the corporation to so grant such use of its streets, avenues, alleys, lanes and public places had been expressly provided by statute prior to the passage of such ordinance and in force when the same was passed; provided that the council of any such corporation shall have power to regulate, by ordinance, at intervals of five years the price which such person or company may charge for such heat or power.

**Canals and
sewers.**

19. To construct, open, enlarge, excavate, improve, deepen, straighten, or extend any canal, ship canal or watercourse located in whole or in part within the corporation, or lying contiguous and adjacent thereto; to open, construct and keep in repair sewage disposal works, sewers, drains and ditches, to license ferries, to regulate the use of public docks and public landings, and to establish, repair and regulate water-closets and privies.

**Jails,
morgues, etc.**

20. To establish, erect, maintain and regulate jails, morgues, houses of refuge and correction, workhouses, station houses, prisons and farm schools.

**Public build-
ings.**

21. To establish, erect, maintain, protect and regulate public halls, public buildings and market houses; and by and with the consent of the abutting property owner or owners, or their lessee or lessees, to establish, maintain, protect and regulate, a market place or places, upon or on any street, square or public grounds or part thereof, within the municipality; to provide for the inspection of spirits, oils, milk, breadstuffs, meats, fish, cattle, milk cows, sheep, hogs, goats, poultry, game, vegetable and all food products.

**Bath houses,
libraries, etc.**

22. To establish, maintain and regulate public baths and bath houses, drinking fountains, water troughs and public toilet stations; and free public band concerts; to establish, maintain and regulate free public libraries and reading rooms, and to purchase books, papers, maps, and manuscripts therefor, and to receive donations and bequests of money or property for the same, in trust or otherwise, and to provide for the rent and compensation for the use of any existing free public libraries established and managed by a private corporation or association organized for that purpose.

Hospitals.

23. To provide for the rent and compensation for the use of any existing free public hospital established and managed by a private corporation or association organized for that purpose.

24. To restrain and prohibit the distribution, sale and exposure for sale of books, papers, pictures and periodicals or advertising matter of an obscene or immoral nature.

Immoral literature.

25. To provide for the collection and disposition of sewage, garbage, ashes, animal and vegetable refuse, dead animals and animal offal and to establish, maintain and regulate plants for the disposal thereof.

Sewage disposal.

26. To hold and improve public grounds, parks, park entrances and boulevards, to protect and preserve the same and to acquire by purchase, gift, devise, condemnation or otherwise and to hold real estate or any interest therein and other property for the use of the corporation and to sell or lease the same.

Public grounds, parks and boulevards.

27. To take and authenticate a census of the municipality.

Census.

28. To require the employment of conductor. on all street cars within the corporate limits.

Conductors on street cars.

29. To make the violation of ordinances a misdemeanor, and to provide for the punishment thereof by fine or imprisonment, or both; provided, that such fine shall not exceed five hundred dollars and such imprisonment shall not exceed six months.

Penalty for violation of ordinances.

30. All municipal corporations shall have the power to regulate and license manufacturers and dealers in explosives; pawnbrokers; chattel mortgage and salary loan brokers; peddlers; public ball rooms, scavengers; intelligence offices; billiard rooms; bowling alleys; livery, sale and boarding stables; dancing or riding academies or schools; race courses; ball grounds, street musicians, second hand dealers and junk shops. In the granting of any license a municipal corporation may exact and receive such sums of money as the council shall deem proper and expedient.

Licenses.

In the trial of any action brought under the power of licensing herein given, the fact that any party to such action represented himself or herself as engaged in any business or occupation, for the transaction of which a license may be required, or as the keeper, proprietor or manager of the thing for which a license may be exacted, or that such party exhibit a sign indicating such business or calling, or such proprietorship or management, shall be conclusive evidence of the liability of such party to pay the license therefor.

SECTION 2. Said original section 7 is hereby repealed. Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 20, 1904.

Approved April 27, 1904.

MYRON T. HERRICK,

Governor.

277G

AN ACT

To make appropriations for and authorize the erection of a monument as a fitting memorial to the late Gen. P. H. Sheridan in his home town of Somerset, Perry county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation
for erection of
Sheridan
monument.

SECTION 1. That for the purpose of paying the cost of the erection of a monument, as a fitting memorial to the late Gen. P. H. Sheridan, in his home town of Somerset, Perry county, Ohio, there be and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of ten thousand dollars, which shall be available on and after February 15, 1905.

Governor to
appoint me-
morial com-
mission.

SECTION 2. That the governor is hereby authorized and required within sixty days after the passage of this act, to appoint a memorial commission of three persons, electors of this state, to contract for, superintend the erection under approved specifications by the governor, and approve the completion of said monument and do all things necessary to carry out the intent and purposes of this act.

State auditor
to draw war-
rant.

SECTION 3. The state auditor is hereby authorized and directed to draw and issue his warrant on the treasurer of state for any amount not to exceed the sum stated in section one of this act, upon the order of the governor and certificate of the commission, that said monument is completed according to the plans and specifications approved by the governor as provided in section two of this act.

Where monu-
ment to be
erected.

SECTION 4. The said monument shall be erected in the village of Somerset, Perry county, Ohio, on the public square, at a place in front of the old court house, set apart and designated for said purpose by the council of said village and accepted by said memorial commission.

Commission
to act under
supervision of
governor.

SECTION 5. That said commission shall act and perform its duties under the supervision of the governor and shall serve without compensation, and said monument shall be completed within two years from the date of the passage of this act.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 18, 1904.

Approved April 27, 1904.

MYRON T. HERRICK,

Governor.

278G

[House Bill No. 230.]

AN ACT

Providing for the operations of the state highway department and providing for investigating the chemical and physical character of road making material, and for defining the word highway, and to provide for a tax levy to repair destroyed highways, by freshet or other casualty.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The state highway department shall be provided with suitable rooms in the state building at Columbus. Its offices shall be open at all reasonable times for the transaction of public business, said office to be furnished by the state with stationery and office supplies and fixtures necessary to carry on the work. The state highway commissioner shall carry into effect the provisions of this act and all laws of the state of Ohio, providing for the co-operation of the state in the construction and maintenance of public highways. He shall have charge of all records of the state highway department; and shall each year submit to the governor of the state a full report of the operation of the department, the number of miles, cost and character of the roads built under its direction, detailed and accurate itemized statements of his expenses and the expenses of the department, and such other information concerning the condition of the public roads of the state and the progress of their improvement, as may be proper.

SECTION 2. In making investigations concerning the chemical and physical character of road making material, the apparatus and supplies of the college of agriculture and of the college of engineering of the Ohio state university shall be employed, with the consent of the president of said university, in so far as such investigations may be made without interfering with the regular work or purposes of said college.

SECTION 3. The county commissioners in order to avail themselves each year, of the aid provided by the state of Ohio for assistance in constructing highways, shall make application to the highway commissioner before the first of January of each year.

SECTION 4. Every application for the co-operation provided for by the state highway department for state aid in constructing highways, shall be accompanied by a properly certified resolution adopted by the board of county commissioners having jurisdiction over the highway to be improved, stating that the public interest demands the improvement of the highway described therein, but said description shall not include any portion of a highway within the boundaries of any city or village.

SECTION 5. The highways constructed or reconstructed under the provisions of any act providing for aid by the state, shall thereafter be known as "state highways," and shall be kept in repair, so that they may be

Creation of
state highway
department;
duties of
state highway
commissioner.

College of ag-
riculture and
college of en-
gineering of
Ohio state
university to
be employed
in making in-
vestigations
concerning
chemical and
physical
character of
good road
making ma-
terial.

County com-
missioners in
order to avail
themselves of
aid herein pro-
vided shall ap-
ply to depart-
ment
annually.

Application,
how made.

State
highways.

maintained at the standard of condition prescribed for highways of their class by the state highway department at the expense of the county in which such highway may lie.

County commissioners to maintain state highways.

Meaning of term highway.

SECTION 6. It shall be the duty of the commissioners of every county in which said state highway may lie, to maintain the same generally at a reasonable standard, prescribed for such roads by the state highway department. The word "highway," as used in this act, shall be construed to include any existing causeway or bridge, or any new causeway or bridge, or any drain or watercourse which may form a part of a road, and which might properly be built, according to existing law, by the township or townships; but shall not include causeways or bridges which should properly be built by a county or adjoining counties, or by the state.

County commissioners or township trustees may incur indebtedness or issue bonds.

Additional levy authorized.

SECTION 7. It shall be lawful for the commissioners of any county or for the trustees of any township to incur indebtedness or to issue bonds at a rate of interest not exceeding four per cent. in the manner authorized by law, for the payment of the said county or said township share of the cost of any highway improvement undertaken under the provisions of this act, or any other act in which the state of Ohio pays one-fourth the cost of construction; provided, further, that for the purpose of carrying out the provisions of this act the county commissioners of any county or the trustees of any township in addition to any limit fixed by law or to any authority under any act now in force giving authority to sell bonds and fix the rate of interest and levy taxes to provide for their payment may, by unanimous vote of the board of county commissioners or of the township trustees, provide for the sale of bonds, fix the rate of interest not exceeding four per cent. and levy taxes for the purpose of paying the same.

Levy for creation of state and county road improvement fund.

SECTION 8. The county commissioners, at their March and June session annually, in addition to the levy authorized for road and bridge purposes, may levy on each dollar of valuation of taxable property within their county not to exceed five-tenths (5-10) of a mill for the creation of a fund to be known as the state and county road improvement fund, and to be used for the improvement of state and county roads in the county.

When additional levy authorized.

SECTION 9. When any one or more of the principal highways of any county, or any part thereof, have been destroyed by freshet, watercourses, landslide or any other casualty, or by reason of the large amount of traffic thereon, and the commissioners of such county are satisfied that the ordinary levies authorized by law for such purposes will be inadequate to provide money necessary to repair such damages, or to remove obstructions from, or to make the changes or repairs in such road or roads as are rendered necessary from the causes herein enumerated, said commissioners may annually thereafter levy a tax at their June session, of any sum not exceeding five-tenths mills upon the dollar on all taxable property of the county,

to be expended under their direction in such manner as may seem to them most advantageous to the interest of the county for the construction, reconstruction or repair of such road or roads, or any part thereof.

SECTION 10. County commissioners of the several counties of the state, and the officers of the cities, villages and townships in the state, who now have, or may hereafter have by law, authority over the public highways and bridges, shall upon the written request of the state highway department, furnish said department with any information relative to the mileage, cost of building, and maintenance, condition and character of the highways under their jurisdiction, and with any other needful information relating to the said highways.

Officers having authority over highways to furnish information to state highway department.

SECTION 11. Nothing contained in any act providing for the aid of the state in the construction of public highways or in any act providing for the improvement of highways, by the assistance of the state, shall be construed to prohibit the township in which the improvement is made from bidding upon the work and the highway commissioner may award the contract to the township trustees provided the bid for constructing the improvement conforms to all requirements that are made for other bidders.

Township trustees where road is to be improved may bid upon work.

SECTION 12. Nothing in this act or any other act for the construction of improved highways, under direction of state authorities, shall be construed to prevent the highway commissioner or the authorities having jurisdiction of any such road, from constructing or for providing for the construction of a dirt road parallel with and along side of any improved road, whenever in their judgment such construction is necessary.

Dirt road may be constructed parallel with improved road.

SECTION 13. Whenever there shall be available any funds for highway improvement in the state, from the federal government the same shall be apportioned by the state highway commissioner on or before the first day of January in each year according to the mileage of township or county roads in each county, but said funds shall only be used for the purpose of extending, improving, maintaining and constructing highways made under the provisions of this act, or which are of a standard approved by the state highway department, and shall be distributed upon application for the same by county commissioners of the various counties.

How funds from federal government apportioned.

Provided further, that if the amount so apportioned and set aside shall not be applied for a period of two years after it becomes available, it shall be returned to the state treasury and be added to the appropriations for the current year and distributed anew as herein provided.

SECTION 14. This act shall not be construed to conflict with any act now in force.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 18, 1904.

Approved April 27, 1904.

MYRON T. HERRICK,
Governor.
 279G

[House Bill No. 457.]

AN ACT

To amend section 2834a of the Revised Statutes of Ohio, relating to refunding or extending time of payment of bonds.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That section 2834a of the Revised Statutes of Ohio be amended so as to read as follows:

Power to
 borrow to ex-
 tend time or
 change debt.

Sec. 2834a. The trustees of any township, the board of education of any school district and the commissioners of any county for the purpose of extending the time of payment of any indebtedness, which from its limits of taxation such township, school district or county is unable to pay at maturity, shall have power to borrow money or to issue bonds of such township, school district or county, so as to change but not to increase the indebtedness in such amounts and for such length of time and at such rate of interest, as the trustees, board of education or commissioners may deem proper, not to exceed the rate of six per centum per annum, payable annually or semiannually.

Or when it shall appear to the trustees, board of education or commissioners of any township, school district or county to be for the best interests of such township, school district or county to renew, refund or extend the time of payment of any bonded indebtedness which shall not have matured and thereby reduce the rate of interest thereon, such trustees, board of education or commissioners shall have authority to issue for that purpose new bonds, and to exchange the same with the holder or holders of such outstanding bonds if such holder or holders shall consent to make such exchange and to such reduction of interest.

Resolution as
 to such debt.

Provided, however, that no indebtedness of any township, school district or county shall be funded, refunded or extended unless such indebtedness shall first be determined to be an existing, valid and binding obligation of any such township, school district or county by a formal resolution of the trustees, board of education or commissioners of any such township, school district or county, which resolution shall so state the amount of the existing indebtedness to be funded, refunded or extended, the aggregate amount

of bonds to be issued therefor, their number and denomination, the date of their maturity, the rate of interest they shall bear and the place of payment of principal and interest. And for the payment of the bonds issued under this section the township trustees, board of education or county commissioners shall levy a tax, in addition to the amount otherwise authorized, every year during the period the bonds have to run sufficient in amount to pay the accruing interest and the bonds as they mature.

Levy to meet
payment of
bonds.

SECTION 2. Said section 2834a of the Revised Statutes of Ohio is hereby repealed. Repeals.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 27, 1904.

MYRON T. HERRICK,
Governor.
280G

[Senate Bill No. 181.]

AN ACT

To provide additional room for the state library.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated out of the general revenue fund of the state, not otherwise appropriated, five thousand dollars to be expended under the direction of the governor, the adjutant general and the president of the board of library commissioners in erecting and equipping rooms connecting those now occupied by the state library on opposite side of the northwest court of the state house.

Appropriation for erection and equipping of rooms for state library.

SECTION 2. Said officials shall have power to contract for the purchase of material and the performance of this work; provided, that the work shall be let to the lowest responsible bidder and that weekly notice shall be given for bids in three daily newspapers, published one in Cincinnati, one in Columbus, and one in Cleveland, for three consecutive weeks immediately preceding the letting of the work.

How work to be done.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 15, 1904.

Approved April 27, 1904.

MYRON T. HERRICK,
Governor.
281G

AN ACT

To amend sections 26, 98, 104, 110, 112, 114 and 216 and to supplement sections 43, 95 and 111 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22nd, 1902, and supplementing section 2835 of the Revised Statutes of Ohio, to make definite said sections and to provide for the more economical administration of municipal affairs.

Be it enacted by the General Assembly of the State of Ohio:

**Municipal
corporations :**

SECTION 1. That sections 26, 98, 104, 110, 112, 114 and 216 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith, passed October 22nd, 1902," be and they are hereby amended to read as follows:

**Disposition of
money arising
from sale or
lease of cor-
porate prop-
erty.**

Sec. 26. The money arising from the sale or lease of any real estate, or public building, or from the sale of any personal property belonging to the corporation shall be deposited in the treasury in the particular fund by which such property was acquired, or is maintained, if there be such fund, and if there be no such fund then it shall be deposited in the general fund; provided, however, that where such property was acquired by an issue of bonds the whole or any part of which issue is still outstanding, unpaid and unprovided for, then such money, after deducting therefrom the cost of maintenance and administration of such property, shall on warrant of the city auditor be transferred to the trustees of the sinking fund to be applied in the payment of the principal of said bond issue.

**Registration
of bonds.**

Sec. 98. Municipal corporations may, on demand of the owner or holder of any of its coupon bonds heretofore or hereafter issued, issue in lieu thereof a registered bond, or bonds, of the corporations not exceeding in amount the coupon bonds offered in exchange. The registered bond or bonds shall be signed and sealed as other municipal bonds are signed and sealed, and bear the same rate of interest, be payable both principal and interest at the same time and place, as the coupon bonds for which the exchange is made. They shall be of such denomination as the holder of the coupon bonds may elect. The interest and principal of such registered bonds shall when due be paid only to the person, corporation or firm, appearing by the records of the municipal corporation to be the owner thereof, or order; and such registered bonds may be transferred on said record by the owner in person or by a person authorized so to do by power

of attorney duly executed. The exchange and registration here required shall be transacted by the trustees of the sinking fund at their business office where a registry shall be kept for that purpose which shall show the date, series, denomination and owner of such registered bonds, and the number and series of the coupon bonds for which they were exchanged. No registered bonds shall be issued by a municipal corporation until the bonds and coupons offered in exchange shall have been cancelled or destroyed. The trustees of the sinking fund may demand of the holder of the coupon bonds a reasonable fee as compensation for the expense of making such exchange.

Sec. 104. The trustees of the sinking fund shall immediately after their appointment and qualification elect one of their number as president and another as vice president, who shall in the absence or disability of the president perform his duties and exercise his powers, and such secretary, clerks or employes as council may provide by an ordinance which shall fix their duties, bonds and compensation; provided, that where no clerks or secretary is authorized, the auditor of the city or clerk of the village shall act as secretary of the board.

Organization
of board of
trustees of
the sinking
fund.

Sec. 110. The trustees of the sinking fund shall have charge of and provide for the payment of all bonds issued by the corporation, the interest maturing thereon and the payment of all judgments final against the city or village, except in condemnation of property cases. They shall receive from the auditor of the city or clerk of the village all taxes assessments and moneys collected for said purposes and invest and disburse them in the manner provided by law. For the satisfaction of any obligation under their supervision the trustees of the sinking fund may sell or use any of the securities or money in their possession.

Payment of
obligations.

Sec. 112. The trustees of the sinking fund shall have power to investigate all transactions involving or affecting the sinking fund of [in] any branch or department of the municipal government, and they shall have such other powers and perform such other duties, not inconsistent with the nature of the duties prescribed for them by law, and [as] may be conferred or required by council.

Sec. 114. All bonds henceforth issued by any city shall, before they become valid in the hands of any purchaser, be recorded in the office of the sinking fund trustees, and shall bear the stamp of said board of sinking fund trustees, containing the words "Recorded in the office of the sinking fund trustees," signed by the secretary. The record shall show date of issue, for what purpose issued, rate of interest, amount of issue, when due, principal and interest where payable.

Recording of
bonds.

Sec. 216. Whenever any city, or the county in which the city is located, has in contemplation, or in process of construction, buildings for public, municipal or county purposes, within the boundaries of such city, the director of public service may provide for the employment of three persons,

Board of supervision in
the erection of
public, municipal or county
buildings; appointment
of by board of
public service.

Powers of
such board.

Commission
for the erec-
tion of city
hall; appoint-
ment of by
board of pub-
lic service.

Powers, du-
ties, compensa-
tion, organiza-
tion, etc.

Commission
for erection,
etc., of mar-
ket houses, or
public halls;
appointment
of by board of
public ser-
vice.

to be named by them, of whom at least two shall be architects, and who shall be employed at a salary not exceeding five thousand (\$5,000) per annum each, to be fixed by the directors of public service, and paid by the city from the general fund. Such persons shall have, under the supervision of the directors of public service, control of the location of all public, municipal or county buildings, to be erected upon the ground acquired within the limits of the city, and of the size, height, style and general appearance of such buildings and all plans and specifications for the erection of the buildings aforesaid shall be submitted for approval to the persons herein authorized to be employed and approved by them before they are adopted by the authorities engaged in the construction thereof; provided, further, that whenever any city has in contemplation or in process of construction, or furnishing, a city hall, the director of public service may provide for the employment of five citizens of said city, to be named by them, not more than three of whom shall belong to the same political party, who shall constitute a commission under the supervision and directions of the directors of public service, for procuring the necessary land for the construction and furnishing of such city hall. Said commissioners shall have power, subject to the approval of the directors of public service, to acquire, in the name of the city, by purchase or appropriation, land for city hall purposes, and shall have power to employ architects, and approve plans and specifications.

They shall make all contracts necessary for the construction and furnishing of such city hall, which contracts shall be in the name of the city, and shall be made after advertisement and bidding, as provided by law for the making of other municipal contracts, and shall be subject to the approval of the directors of public service. Such commissioners shall select from their number a president, and may appoint a clerk, and such other employes as may be necessary, and, subject to the approval of the directors of public service, fix their compensation, and shall keep a full record of their proceedings. Such commissioners shall each receive such sum, not exceeding five dollars (\$5.00) each per meeting, as the directors of public service may fix, which compensation, however, shall not in any case exceed twelve hundred dollars (\$1,200.00) per annum each, and the compensation, of such commissioners, and expenses shall be paid in like manner as the cost of such city hall.

Provided, further, that whenever any city has in contemplation or in process of construction, any market house or houses, or public hall in connection therewith, the directors of public service may provide for the employment of three citizens of each [such] city, to be named by them, who shall constitute a commission, which shall have power, subject to the approval of the directors of public service, to contract, in the name of such city, for and supervise the building and furnishing of, any market house or houses or public hall in connection therewith, for such city, and, subject to

the like approval, to acquire any lands that may be necessary for such purpose, either by purchase or appropriation in the name of said city in the manner provided by law. Such person so appointed shall receive such compensation, not exceeding five dollars (\$5.00) each for each meeting attended by them as the directors of public service may fix, which compensation, however, shall in no case exceed twelve hundred dollars (\$1,200.00) per annum each. Such commission may appoint a secretary and other necessary employes, and, subject to the approval of the directors of public service, fix their compensation, and adopt plans and specifications for erecting, completing and furnishing such market house or houses or public hall in connection therewith in any such city. The compensation of such commissioners and expenses, shall be paid in like manner as the cost of such buildings.

Compensation,
etc.

Provided, further, that any person or persons heretofore appointed pursuant to the provisions of an act entitled, "An act to create a board of supervision in the erection simultaneously of public, municipal and county buildings," passed May 6, 1902 (95 O. L., 879), or of an act entitled "An act to authorize cities of the second grade of the first class to secure necessary lands and to borrow money therefor, and for the purpose of building and erecting thereon a city hall and the furnishing of the same," passed April 19, 1898 (93 O. L., 549), and amended May 6, 1902 (95 O. L., 877), or an act entitled "An act relating to market houses in cities of the second grade of the first class," passed April 26, 1898 (93 O. L., 668), or by whatever authority for the purpose provided herein, shall continue to act for the purposes for which he or they were appointed, with the power herein granted and no others, until the completion of the improvement in connection with which they were appointed, and thereupon the work so completed shall be turned over to the proper authority of the municipality.

Persons appointed pursuant to certain acts heretofore passed shall continue to act until purposes of appointment are fulfilled.

Any city may use or apply any money received from any gas or electric [light] company under any agreement heretofore or hereafter made, for the purpose of paying interest or principal of any bonds issued by such city for city hall purposes; and for the purpose of providing such further sums as may be necessary to pay the interest on any bonds for any of the purposes herein named, and the principal of the same at maturity, the council shall, in addition to the other levies authorized by law, levy annually a sufficient tax therefor on all property of the city subject to taxation, and such taxes shall be levied and collected as other taxes.

Provisions for the payment of bonds issued for construction of city hall.

All contracts heretofore entered into by any city for the purposes herein specified and all bonds heretofore issued and sold by any city for any such purposes, shall be and remain valid, legal and binding obligations of such city, and all funds remaining from the sale of any such bonds shall be applied only for the purpose for which such bonds were sold; and any such city shall have power to issue and sell

Contracts and bonds heretofore made or issued for purposes herein authorized declared valid obligations.

such additional bonds as may be necessary, up to the limit named in said acts, or any of them, for the purposes herein named.

SECTION 2. That sections 43, 95 and 111 of "The Municipal Code of 1902" be and they are hereby supplemented by the following sectional numbers 43a, 95a:

Unexpended balances remaining in fund created by bond issue, shall, when no longer needed, be transferred to trustees of sinking fund to be applied in payment of the bonds.

Sec. 43a. Any unexpended balance remaining in a fund which was created by an issue of bonds the whole or any part of which issue is still outstanding unpaid and unprovided for, shall, when such balance is no longer needed for the purpose for which said fund was created, be transferred to the trustees of the sinking fund to be applied in the payment of the bonds. All acts or parts of acts inconsistent with this provision be and the same are hereby repealed in so far as such inconsistency exists.

Municipalities authorized to issue notes in anticipation of collection of special assessments.

Sec. 95a. Municipal corporations shall have power to borrow money and issue notes in anticipation of the collection of special assessments. Said notes shall be signed and sealed as municipal bonds are signed and sealed. They shall bear interest at a rate not exceeding six per cent. per annum and be due and payable not later than two years from the date of issue. Said notes shall not exceed in amount the estimated cost of the improvement, and shall recite upon their face the purpose for which they were issued. All assessments collected for the improvement, and all unexpended balances remaining in the fund after the cost and expenses of said improvement have been paid, shall be applied to [in] the payment of the notes and the interest thereon until both are fully provided for. Council ordinances and proceedings relating to the issue of said bonds [notes] shall not require publication.

SECTION 3. That section 2835 be supplemented by the following sectional number 2835b:

When limitation in general bond act not applicable.

Sec. 2835b. Provided, further, that the limitations of one per cent. and four per cent. prescribed in section 2835 R. S. shall not be construed as affecting bonds issued under authority of said section 2835 upon the approval of the electors of the corporation; nor shall bonds which are to be paid for by assessments specially levied upon abutting property, be deemed as subject to the provisions of said section.

Repeals.

SECTION 4. That said original sections Nos. 26, 98, 104, 110, 112, 114 and 216 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith, passed October 22nd, 1902," be and the same are hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved April 27, 1904.

MYRON T. HERRICK,

[House Bill No. 270.]

AN ACT

To amend section 664 of the Revised Statutes of Ohio, relating to the compensation of employes of institution for the deaf and dumb.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 664 of the Revised Statutes of Ohio, be amended to read as follows:

Institution
for deaf and
dumb:

Sec. 664. That the compensation of certain teachers and employes shall be paid as follows: To the principal of the school, amount to be determined by board of trustees; the male teachers in the high school department, not exceeding one thousand five hundred dollars per annum; the male teachers in the intermediate department, not exceeding one thousand three hundred and fifty dollars per annum; the supervisory teacher of speech, not exceeding one thousand and fifty dollars per annum; the female teachers in the intermediate department, not exceeding eight hundred dollars per annum; the male teachers in the primary department, not exceeding one thousand two hundred dollars per annum, and female teachers in the primary department, not exceeding seven hundred dollars per annum; the instructress in the art of cutting, fitting and making wearing apparel for females, not exceeding five hundred and fifty dollars per annum; the engineer, not exceeding one thousand dollars per annum; none of which teachers or employes shall reside at or be boarded in said institution.

Compensation
of teachers
and employes.

SECTION 2. That said original section 664 of the Revised Statutes of Ohio is hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 18, 1904.

Approved April —, 1904.

MYRON T. HERRICK,

Governor.

283G

[House Bill No. 446.]

AN ACT

To provide for the publication of the biographical annals of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. There shall be compiled biennially, under the direction of the chief clerks of the senate and house of representatives, and published by the commissioners of public printing, a publication to be known as "The Biographical Annals of Ohio," such publication may include such matter and illustrations valuable for reference purposes contained

Compilation
and publica-
tion of bio-
graphical an-
nals of Ohio.

in any previous publication made by the state of Ohio or covered by copyright owned by said state, corrected and brought up to date of publication, together with new matter of like character. For the work of preparation of copy for such publication and proofreading the same, the chief clerk of the senate shall be allowed and paid the sum of five hundred dollars, and the deputy chief clerk of the senate the sum of three hundred dollars, payable out of the contingent fund of the senate, and the chief clerk of the house of representatives shall be allowed and paid the sum of five hundred dollars, and the deputy chief clerk of the house of representatives the sum of three hundred dollars, payable out of the contingent fund of the house, on the warrants of the presiding officers of the senate and house of representatives respectively. The cost of printing and binding and the illustration of such work shall be paid for out of the appropriation for public printing.

Number to be
printed and
how dis-
tributed.

SECTION 2. Each edition of the biographical annals of Ohio, shall be 8,000 copies, bound in substantial library cloth and distributed as follows: To each member of the general assembly, 50 copies; to each officer and employe of the general assembly, two copies; to each state department, ten copies; to the state library, one hundred and fifty copies for exchange and distribution to public libraries throughout the state, the residue of said edition to be disposed of to such parties as may desire the same and make sufficient payment thereon to cover the expense of said distribution, the money so collected to be turned into the state treasury to the credit of the general revenue fund.

Repeals.

SECTION 3. That an act entitled, "An act to provide for the publication of the biographical annals of Ohio," passed May 12, 1902, is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 19, 1904.

Approved —, 1904.

MYRON T. HERRICK,

Governor.

284G

[Senate Bill No. 13.]

AN ACT

To supplement section 761 of the Revised Statutes of Ohio by a section to be numbered 761a, relating to transfers from the boys' industrial school to the Ohio state reformatory.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 761 of the Revised Statutes of Ohio be supplemented as follows:

Boys' Indus-
trial school:

Sec. 761a. The governor may, upon the written application of the superintendent of the boys' industrial school, when approved by the board of trustees, transfer to the Ohio state reformatory, any inmate of the boys' industrial school, who at the time of said transfer is more than sixteen years of age, and who was committed to said school for the commission of a crime punishable by imprisonment in said reformatory. And any person so transferred shall be received by the board of managers of said reformatory, and shall be governed by the same rules and regulations as if he had been committed to said reformatory upon conviction of said crime.

Transfer of inmates to Ohio state reformatory.

SECTION 2. This act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed February 29, 1904.
Approved March 2, 1904.

MYRON T. HERRICK,
Governor.
14G

[House Bill No. 22.]

AN ACT

To establish a state highway department by the appointment of a state highway commissioner and assistants, and defining the powers and duties of the office, and to provide for a system of state, county and township co-operation in the permanent improvement of public highways.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. A state highway department shall be established by the appointment of the governor of the state with the advice and consent of the senate, for a term of four years, of a state highway commissioner, who shall be a competent civil engineer, and experienced in the construction and maintenance of improved roads. Said state highway commissioner shall receive a salary of two thousand five hundred dollars per annum, and shall be allowed his actual traveling expenses, not exceeding five hundred dollars, while officially employed. He shall furnish a bond in the sum of twenty-five thousand dollars for the faithful performance of his duty, said bond to be approved by the governor, and he shall give his whole time and attention to the duties of his office. Provided, further, that the state highway commissioner may appoint, as the work of the department requires and subject to the approval of the governor, one assistant who shall be a capable and competent civil engineer and experienced in road building, who shall receive an annual salary of one thousand five hundred dollars, and shall be allowed his actual traveling expenses, not to exceed five

State highway commissioner; appointment, term, qualifications; salary; bond, etc.

Assistant.

Chief clerk. hundred dollars, when on official business ; and he may also appoint a chief clerk, at an annual salary of ten hundred dollars per annum, and may employ an additional clerk who shall be a competent stenographer, at an expense not to exceed eight hundred dollars per annum. The state highway commissioner may require the employes of the department to give bond for the faithful performance of their duty, in suitable and reasonable amounts.

Object and purpose of department.

SECTION 2. The object and purpose of this department shall be to instruct, assist and co-operate in the building and improvement of the public roads, under the direction of the highway commissioner in such counties and townships of the state of Ohio as shall comply with the provisions of this act. The highway commissioner may make inquiries in regard to systems of road building and management throughout the United States, and make investigations and experiments in regard to the best methods of road making and the best kinds of road material and to investigate the chemical and physical character of road materials, and has authority to pay freight and express charges on samples of material and other necessary expenses in making such investigation and to prepare, publish and distribute bulletins and reports on the subject of road improvement.

When county commissioners authorized to direct that public road be improved.

SECTION 3. The county commissioners in any county of this state may, at any time, by resolution, direct that any public road or section of road, located within said county, being at least one mile in length, or, being less than one mile in length, is an extension or connection with some permanently improved or paved street, be improved by the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel, brick or other suitable material, in such manner that the same, of whatever material constructed, shall with reasonable repairs, thereto, at all seasons of the year, be firm, smooth and convenient for travel ; or whenever a road or section thereof is petitioned for by the owners of 51 per cent. of the lineal feet along said road, or section thereof praying the board of county commissioners to cause such road to be improved under this act, it shall be the duty of the board to grant such petition, if after viewing such road said board of county commissioners shall decide the improvement of such road to be just and to the best interest of the public, subject to the conditions as hereinafter provided ; when more roads are applied for than can be constructed in one year, the board of county commissioners and state commissioner of public highways shall have power and authority to select from the roads petitioned for, the ones first to be constructed, having first regard to the most important roads and the distribution of the benefits of this act to all parts of the county ; and the county commissioners shall before approval of any road, require as condition of said approval, that the township or townships through which said road runs shall pay twenty-

Improvement of roads upon petition of abutting land owners.

How, when more roads are applied for than can be constructed within one year.

five per cent. of the cost of said improvement, said improvement to be approved in the resolution or resolutions passed by the trustees of the township through which said road runs, said payment to be applied to the improvement of road construction under this act.

Township trustees must agree to pay one-fourth cost of improvement.

SECTION 4. The state highway commissioner shall upon receipt of any such application investigate and determine whether the highway or section thereof sought to be improved is of sufficient public importance to come within the purposes of this act, taking into account the use, location and value of such highway or section thereof for the purposes of common traffic and traveling, and after such investigation, shall certify his approval or disapproval of such application. If he shall disapprove such application, he shall certify his reasons therefor to the board of county commissioners making the application.

Duty of state highway commissioner upon receipt of application for improvement.

SECTION 5. If the highway commissioner shall approve of such application, he shall cause the highway or section thereof, therein described, to be mapped both in outline and profile. He shall indicate how much of such highway or section thereof may be improved by deviation from or alteration of the existing lines whenever it shall be deemed of advantage to obtain a shorter or more direct road without lessening its usefulness; or whenever such deviation or alteration is of advantage by reason of lessened gradients, and shall cause plans and specifications of such highway or section thereof to be made for telford, macadam or gravel roadway, or other suitable construction, taking into consideration the climate and soil, and the material to be had in the vicinity thereof, and the extent and nature of the traffic likely to be upon the highway, specifying in his judgment the kind of road a wise economy demands. The improved or permanent roadway of all highways so improved shall not be less than eight nor more than sixteen feet in width, unless for special reasons to be stated by such highway commissioner it is required that it shall be of greater width. All highways improved under the provisions of this act shall conform to the standard of construction established by the state highway department.

His duty upon approval of application.

SECTION 6. Upon the completion of such maps, plans and specifications of a proposed improvement the state highway commissioner shall cause an estimate to be made of the cost of construction of the same, and transmit the same to the board of county commissioners from which such resolution proceeded, together with a certified copy of such maps, plans and specifications, and of his certificate of the approval of the highway or section thereof so designated as aforesaid.

Certification of estimate of cost of improvement and copy of plans and specifications, etc., to county commissioners.

SECTION 7. After the receipt thereof upon a majority vote of such board of county commissioners, it may adopt a resolution that such highway or section thereof so approved shall be constructed under the provisions of this act, or of any existing act, and thereupon shall transmit a certified copy of such resolution to the state highway commissioner.

Commissioners may then adopt a resolution that such highway be constructed.

How right of
way secured
when proposed
highway
deviates from
existing road.

Advertisement
for bids and
letting of con-
tracts.

Apportion-
ment of cost
of improve-
ment between
state, county,
township and
abutting prop-
erty owners.

SECTION 8. In case such proposed highway shall deviate from the existing highway, the officials making application must provide for securing the requisite right of way by condemnation proceedings or otherwise, prior to the actual commencement of the work of improvement.

SECTION 9. That upon the receipt of the application and certified copy of the resolution provided for in section 7 the state highway commissioner shall advertise for bids for two successive weeks in two newspapers of general circulation and of opposite politics, published in the county in which the road is to be built, according to said plans and specifications which shall be on file at the county commissioner's office and shall award such contract to the lowest responsible bidder, subject however, to the approval or the county commissioners, provided, that nothing herein shall prevent the township trustees within any township where such improvement is to be made from bidding and entering into contract to build or repair such roads. No contract shall be awarded at a greater sum than the estimate provided in section 7; provided that when bids are received for such improvement, they shall be sealed bids which shall be opened at a time certain, and shall be protected with such other regulations as may be imposed by the commissioners, necessary to secure fair bids. But if no bid otherwise acceptable be made within such estimate, such highway commissioner may amend his estimate, certify the same to the board of county commissioners, and upon the adoption by it of a resolution as provided in section 6, based on such amended estimate, proceed anew to obtain bids and award the contract as herein provided. Said highway commissioner may reject any or all bids and before entering into any contract for such construction, he shall require a bond with sufficient sureties, or by a surety company of recognized standing conditioned that if the proposal shall be accepted the party thereto will perform the work upon the terms proposed and within the time prescribed and in accordance with the plans and specifications, and as a bond of indemnity against any direct or indirect damages that shall be suffered or claimed during the construction of such road and until the same is accepted. The state of Ohio shall in no case be liable for any damages suffered.

SECTION 10. Upon the completion of any highways rebuilt or improved under the provisions of this act, the state highway commissioner shall immediately ascertain the total cost and expense of the same and the apportionment of the total cost and expenses between the state, the county and the township or townships and abutting property, and the state highway commissioner shall certify the total expense of said improvement to the county commissioners and to the trustees of the township or townships and abutting property owners respectively, signifying the amounts contracted to be borne by the state, the county and the township or townships, and the abutting property as provided by this act.

SECTION 11. One-fourth of the cost and expense of the construction thereof shall be paid by the treasurer of the state of Ohio on the warrant of the state auditor issued upon requisition of the state highway commissioner out of any specific appropriations made to carry out the provisions of this act, and three-fourths of the cost and expense thereof shall be a county charge in the first instance, but one-third of said three-fourths or twenty-five per cent. of the whole shall be paid by the township or townships as hereinafter provided and said three-fourths shall be paid by the treasurer of the county in which such highway or sections thereof, is located, upon the order of the county commissioners upon the requisition of the state highway commissioner out of any funds in the county treasury for the construction of improved highways under the provisions of this act. But the amount so paid shall then be apportioned by the county commissioners between the county, township or townships and the abutting property as provided by this act.

State shall pay one-fourth and county three-fourths of cost.

One-third of said three-fourths shall be paid by township or townships.

SECTION 12. In apportioning the 25 per centum that shall be paid by the township, 10 per centum shall be a charge upon the whole township and 15 per centum a charge upon the abutting property. The township trustees shall apportion the amount to be paid by the abutting property according to the benefits accruing to the owners of the land so located, according to the best judgment of said trustees, upon at least ten days' notice of the time and place of such apportionment to the persons affected thereby and after such persons have had an opportunity to be heard in manner and form as provided in sections 4637-4, 4637-5, 4637-6 and 4637-7 of the Revised Statutes of Ohio and shall certify the result of their distribution to the county auditor who shall place the same upon the tax duplicate against the property benefited and the same shall be collected by the treasurer of the county in the same manner as other taxes are collected and in such payments as may be approved by the county auditor. The share of the township or townships in which the said highway improvement as herein provided has been made, shall be paid by the township trustees as other debts of said township or townships are paid.

Apportionment of township's share of cost between whole township and abutting property owners.

SECTION 13. No money shall be advanced by the state of Ohio or by the county commissioners in payment of the cost and expense of construction provided herein except as the work of actual construction progresses to be paid upon estimates made by engineer in charge of the work, and in no case shall the payment or payments of the state of Ohio and the county commissioners made thus prior to the completion of the work be in excess of eighty per centum of the value of the work performed, and in all cases twenty per centum must be held until the completion of the work, according to the plans and specifications, and every county or township availing itself of the provisions of this act shall, because of having accepted such state aid, contract and bind itself to maintain and keep said road in

When cost of construction to be paid.

How right of
way secured
when proposed
highway
deviates from
existing road.

Advertisement
for bids and
letting of con-
tracts.

Apportion-
ment of cost
of improve-
ment between
state, county,
township and
abutting prop-
erty owners.

SECTION 8. In case such proposed highway shall deviate from the existing highway, the officials making application must provide for securing the requisite right of way by condemnation proceedings or otherwise, prior to the actual commencement of the work of improvement.

SECTION 9. That upon the receipt of the application and certified copy of the resolution provided for in section 7 the state highway commissioner shall advertise for bids for two successive weeks in two newspapers of general circulation and of opposite politics, published in the county in which the road is to be built, according to said plans and specifications which shall be on file at the county commissioner's office and shall award such contract to the lowest responsible bidder, subject however, to the approval of the county commissioners, provided, that nothing herein shall prevent the township trustees within any township where such improvement is to be made from bidding and entering into contract to build or repair such roads. No contract shall be awarded at a greater sum than the estimate provided in section 7; provided that when bids are received for such improvement, they shall be sealed bids which shall be opened at a time certain, and shall be protected with such other regulations as may be imposed by the commissioners, necessary to secure fair bids. But if no bid otherwise acceptable be made within such estimate, such highway commissioner may amend his estimate, certify the same to the board of county commissioners, and upon the adoption by it of a resolution as provided in section 6, based on such amended estimate, proceed anew to obtain bids and award the contract as herein provided. Said highway commissioner may reject any or all bids and before entering into any contract for such construction, he shall require a bond with sufficient sureties, or by a surety company of recognized standing conditioned that if the proposal shall be accepted the party thereto will perform the work upon the terms proposed and within the time prescribed and in accordance with the plans and specifications, and as a bond of indemnity against any direct or indirect damages that shall be suffered or claimed during the construction of such road and until the same is accepted. The state of Ohio shall in no case be liable for any damages suffered.

SECTION 10. Upon the completion of any highways rebuilt or improved under the provisions of this act, the state highway commissioner shall immediately ascertain the total cost and expense of the same and the apportionment of the total cost and expenses between the state, the county and the township or townships and abutting property, and the state highway commissioner shall certify the total expense of said improvement to the county commissioners and to the trustees of the township or townships and abutting property owners respectively, signifying the amounts contracted to be borne by the state, the county and the township or townships, and the abutting property as provided by this act.

SECTION 11. One-fourth of the cost and expense of the construction thereof shall be paid by the treasurer of the state of Ohio on the warrant of the state auditor issued upon requisition of the state highway commissioner out of any specific appropriations made to carry out the provisions of this act, and three-fourths of the cost and expense thereof shall be a county charge in the first instance, but one-third of said three-fourths or twenty-five per cent. of the whole shall be paid by the township or townships as hereinafter provided and said three-fourths shall be paid by the treasurer of the county in which such highway or sections thereof, is located, upon the order of the county commissioners upon the requisition of the state highway commissioner out of any funds in the county treasury for the construction of improved highways under the provisions of this act. But the amount so paid shall then be apportioned by the county commissioners between the county, township or townships and the abutting property as provided by this act.

State shall pay one-fourth and county three-fourths of cost.

One-third of said three-fourths shall be paid by township or townships.

SECTION 12. In apportioning the 25 per centum that shall be paid by the township, 10 per centum shall be a charge upon the whole township and 15 per centum a charge upon the abutting property. The township trustees shall apportion the amount to be paid by the abutting property according to the benefits accruing to the owners of the land so located, according to the best judgment of said trustees, upon at least ten days' notice of the time and place of such apportionment to the persons affected thereby and after such persons have had an opportunity to be heard in manner and form as provided in sections 4637-4, 4637-5, 4637-6 and 4637-7 of the Revised Statutes of Ohio and shall certify the result of their distribution to the county auditor who shall place the same upon the tax duplicate against the property benefited and the same shall be collected by the treasurer of the county in the same manner as other taxes are collected and in such payments as may be approved by the county auditor. The share of the township or townships in which the said highway improvement as herein provided has been made, shall be paid by the township trustees as other debts of said township or townships are paid.

Apportionment of township's share of cost between whole township and abutting property owners.

SECTION 13. No money shall be advanced by the state of Ohio or by the county commissioners in payment of the cost and expense of construction provided herein except as the work of actual construction progresses to be paid upon estimates made by engineer in charge of the work, and in no case shall the payment or payments of the state of Ohio and the county commissioners made thus prior to the completion of the work be in excess of eighty per centum of the value of the work performed, and in all cases twenty per centum must be held until the completion of the work, according to the plans and specifications, and every county or township availing itself of the provisions of this act shall, because of having accepted such state aid, contract and bind itself to maintain and keep said road in

When cost of construction to be paid.

good and efficient repair, for the free use of the public.

Contracts;
how made.

SECTION 14. Every contract authorized to be made by the state highway department, under the provisions of this act, shall be made in the name of the state of Ohio, and shall be signed by the state highway commissioner and attested by the chief clerk of the department, and must be approved by the board of county commissioners of the county in which the improvement is to be made. Provided further that no contract for any highway improvement shall be let by the state highway department, nor shall any work be authorized under the provisions of this act, until the written agreement of the county commissioners of the county and the trustees of the township, or townships, in which said proposed improvement is to be made, agreeing to assume their respective shares of the cost thereof, as hereinbefore provided, shall be on file in the office of the state highway department, and shall have been approved as to form and legality by the attorney-general.

Order in
which roads
shall be im-
proved.

SECTION 15. The construction and improvement of highways and sections thereof under the provisions of this act, shall be taken up and carried forward in the order in which they are finally designated, as determined by the date of the receipt in each case of the certified copy of the resolution provided in section 7 by the highway commissioner as hereinbefore provided.

Commission-
ers may deter-
mine kind of
materials to
be used in im-
proving road.

SECTION 16. The county commissioners shall have the authority to select the kind of materials to be used in improving any road under the provisions of this act. Any difference of opinion that may arise between the county commissioners and the township road authorities as to the kind of a road to be built, shall be decided by the state highway commissioner. The state highway commissioner shall furnish to the county commissioners and township road authorities information as to the probable cost of improved highways, as defined in this section.

Engineer.

SECTION 17. The state highway commissioner shall use a competent engineer in surveying and planning highways herein provided for. Said engineer may also be employed in superintending the work of constructing the road improvement made under this act, and the person so employed, shall be compensated not to exceed the price fixed by law for each day actually employed in such service.

County line
roads.

SECTION 18. Counties may agree among themselves to contribute their combined proportion of the total expense of construction, herein provided to be borne by them for the construction of county line roads in any proportion agreed upon by the several boards of county commissioners, but in no case shall any township or county pay less than ten per centum of the entire expense of such improvements.

Reconstruc-
tion of turn-
pike or im-
proved road
under provi-
sions of this
act.

SECTION 19. Whenever any turnpike or improved road now constructed is in need of reconstruction, it may be done under the provisions of this act in the same manner as provided for herein for the construction of new improved roads, and all provisions herein applying to the construction of improved roads shall apply to such recon-

struction of roads, and such roads must be reconstructed in accordance with the provisions herein. Provided, however, that where the county commissioners petition the state highway commissioner for the reconstruction of such roads, the resolution asking for such improvement shall be accompanied with a map or plan showing the lay-out, lines, profiles, and grade of such highways, and provided, further that the county commissioners shall state the kind of material to be used or available for such roads.

SECTION 20. The money appropriated from time to time by the state for the purposes of carrying out the provisions of this act shall not be used in any other manner or for any other purpose than as herein provided; provided further that the amounts appropriated shall be divided equally among the counties of the state but said amounts shall remain in the state treasury until applied for under the provisions of this act; provided further, that nothing herein contained shall prevent any county and townships from agreeing to appropriate a larger amount for such road improvement than the amount specified in this act.

As to money appropriated to carry out provisions of this act.

SECTION 21. In any county in which at the time of the passage of this act there has been already constructed permanent highways of not less than standard width as herein provided, the material of such roads being of gravel, brick, telford or macadam, or other material equally as good the county commissioners of such county may make application to the state highway commissioner before January 1, of each year for the amount which may be apportioned to such county under this act, and such money shall be forwarded to the county treasurer of such county, providing that the commissioners shall levy on the total tax duplicate of said county a tax sufficient to equal the amount so apportioned to such county by the state under this act, such appropriation and levy shall become a part of the pike repair fund of the several townships and shall be apportioned to the townships pro rata to the amount of the fund arising in each township by said levy and the township trustees shall proceed to apply said fund in the repairing of such improved roads in the same manner as other pike repair funds are applied, provided that the material used in such repair shall be equal to the material used in the original construction of such roads. Provided, however, that those townships that have not constructed permanent highways as herein provided, shall not use their portion of the funds for any other purpose than the construction of improved highways in the manner herein provided.

Counties which have already constructed highways entitled to their proportion of moneys appropriated for such counties under this act.

SECTION 22. Nothing in this act shall be construed to conflict with any act now in force.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

Passed April 18, 1904. W. G. HARDING,

Approved April —, 1904. *President of the Senate.*

MYRON T. HERRICK,

Governor.

285G

House Bill No. 151.]

AN ACT

To provide for the salaries of the judges of the circuit court.

Be it enacted by the General Assembly of the State of Ohio:

Circuit court:

SECTION 1. That section 455 of the Revised Statutes be amended so as to read as follows:

Judges of the circuit court; salary of and how payable.

Sec. 455. Each judge of the circuit court shall receive for his services an annual salary of six thousand dollars, payable quarterly from and after the passage of this act, out of the state treasury, upon the warrant of the auditor of state; but he shall receive no fees or perquisites, nor hold any other office of trust or profit under the authority of this state or of the United States, and upon the payment of the salary herein provided he shall no longer receive additional compensation now provided by law to be paid out of any county treasury.

Repeals.

SECTION 2. That said original section 455 of the Revised Statutes be and the same is hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 20, 1904.

This bill was presented to the governor April 20, 1904, and was not signed nor returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, May 3, 1904.

286G

[House Bill No. 199.]

AN ACT

To amend an act entitled "An act to supplement section 2573 of the Revised Statutes of Ohio, for the better protection of the health, comfort and safety of persons employed in shops and factories," as amended April 29, 1885, including section two thereof; and supplementary section 2573b, as passed April 13, 1898; and supplementary section 2573, as passed March 3, 1898.

Be it enacted by the General Assembly of the State of Ohio:

Buildings, factories, etc.:

SECTION 1. That supplementary section 2573a, including section two thereof, be amended to read as follows:

Appointment of chief and district inspectors of workshops and factories.

Sec. 2573a. For the purpose of providing an adequate force for the efficient and thorough inspection of workshops and factories throughout the state of Ohio, the governor shall appoint, by and with the advice and consent of the senate, one chief inspector, who, with the approval of the governor, shall appoint thirteen district inspectors.

The chief inspector and district inspectors shall be competent and practical mechanics. **Qualifications.**

The chief inspector shall hold his office for a term of four years, and shall have his office in the state house, where shall be kept the records of his office; and the district inspectors shall hold their offices for a term of three years from the first day of May after their respective appointments, and until their successors are appointed and qualified; provided, however, that the chief inspector and the district inspectors in office at the time of this act shall serve out their respective terms for which they have been appointed. In case of the resignation, removal or death of the chief inspector, or any district inspector, the vacancy shall be filled in the manner above provided for the original appointments for the unexpired term only of the position so made vacant.

Chief inspector; term, office, etc.

District inspectors; term, etc.

Vacancies.

Sec. 2. The chief inspector shall make such assignments of all the district inspectors as the good of the service may require, and shall issue such instructions, and make such rules and regulations for the government of the district inspectors not inconsistent with the powers and duties vested in them by law as shall secure uniformity of action and proceedings throughout the different districts into which he shall divide the state.

Assignment of district inspectors; rules and regulations, etc.

The salary of the chief inspector shall be two thousand dollars (\$2,000) per annum, and the district inspectors twelve hundred dollars (\$1,200) each per annum, which salaries and all necessary traveling expenses incurred by said inspectors in the discharge of their official duties shall be paid out of the treasury of the state from any fund therein not otherwise appropriated on the warrant of the auditor, on the presentation to him of the proper vouchers.

Salaries.

SECTION 2. That supplementary section 2573*b* be amended to read as follows:

Sec. 2573*b*. The said inspector shall have entry into ~~all shops and factories~~, including all public institutions of the state which have shops and factories, or either, at any reasonable time, and it shall be unlawful for the proprietors, agents or servants in such factories or shops to prevent, at reasonable hours, his entry into such shops or factories for the purpose of such inspection. And proof of the failure of the proprietor of any shop or factory to make the alteration or furnish the safeguards ordered by the inspector, within the time required by law, shall be deemed prima facie evidence of negligence and shall render such proprietor liable for any injury sustained by reason of such failure to make such alterations or furnish such safeguards.

Inspector to have free access to all shops and factories.

Proof of failure to comply with order; liability of proprietor.

SECTION 3. That supplementary section 2573*c*, be amended to read as follows:

Sec. 2573*c*. That said inspectors, if they find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of persons employed or residing therein, or that the means of egress in case of fire or other disaster is not sufficient, or that efficient means for extin-

Notice of necessary alterations or additions.

Penalty for
not making
same.

guishing fire is not provided on each floor, or that the belting, shafting, gearing, elevators, drums and machinery in such shops and factories are located so as to be dangerous to employes, and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, shall notify the owners, proprietors or agents of such shops or factories by mailing such notifications to the last known address of such owners, proprietors or agents to make the alterations or additions necessary without delay; provided, however, that for such of the alterations and additions ordered as may be of such nature as to make it impossible to comply with immediately, the chief inspector may grant from fifteen (15) to thirty (30) days' time from date of first notification to such owners, proprietors or agents, in which to make such alterations and additions, and if such alterations are not made within the limit of time granted, such owners, proprietors or agents so notified, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred (500) dollars, and not less than fifty (50) dollars, and ten (10) dollars additional for each day after such conviction, until such alterations and additions necessary have been made, which fine shall be paid into the treasury of the county in which conviction is had. The district inspectors shall make a record of all examinations of shops and factories in their respective districts, showing the date when made, the condition in which shops and factories are found, and what changes were ordered, the number of shops and factories in their respective districts, the number of men, women and children employed in each shop or factory, together with all such other facts and information of public interest concerning the condition of such shops and factories as they may think useful and proper, which record shall be filed in the office of the chief inspector every week, and so much thereof as may be of public interest to be included in his annual report.

Repeals.

SECTION 4. That supplementary section 2573a including section 2 thereof, as passed April 29, 1885, O. L., Vol. 82, p. 179; supplementary section 2573a2, as passed March 23, 1892, O. L., Vol. 89, p. 133; supplementary section 2573b, as passed April 13, 1898, O. L., Vol. 93, p. 113; and supplementary section 2573c, as passed March 3, 1898, O. L., Vol. 93, pp. 30, 31, be and the same are hereby repealed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 20, 1904.

This bill was presented to the governor April 20, 1904, and was not signed nor returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 3, 1904.

AN ACT

Providing for the construction and maintenance of main or trunk sewers by the county commissioners, when the state board of health finds said trunk or main sewer to be necessary and have approved the plans and specifications thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. When the state board of health finds that any trunk or main sewer is necessary in any county for sanitary purposes, the county commissioners of such county may cause surveys to be made thereof and plans and specifications thereof prepared, and upon approval by the state board of health of such plans and specifications, the county commissioners may construct and maintain said trunk or main sewer or any portion thereof, within or without the limits of any municipal corporation, and may regulate the tapping thereof by lateral sewers and prescribe the conditions of such tapping.

Construction of trunk or main sewers in counties.

SECTION 2. Said commissioners are authorized to acquire, by purchase or by appropriation proceedings hereinafter mentioned on behalf of the county, all real and personal property necessary for the proper construction and maintenance of such trunk or main sewer; and for such trunk or main sewer or part thereof may occupy any public road, street, avenue or alley. When it is necessary to procure real estate or a right of way or any easement therein for such trunk or main sewer, and the owner or owners thereof are unable to agree upon the compensation therefor, said commissioners may appropriate the same, and for this purpose they shall cause to be made an accurate survey and description of the parcel of land needed for such purpose or of the right of way and easement required, and shall file the same with an application for the assessment of such compensation in the probate or common pleas court of the county, and thereupon the same proceedings shall be had as are provided for the appropriation of private property by municipal corporation.

Appropriation of property for such purpose.

SECTION 3. To provide a fund to pay the costs and expenses of the construction of such main or trunk sewer, the commissioners are hereby authorized to issue and sell bonds of the county from time to time as money may be needed for such purpose in an amount not exceeding during any one year one-tenth of one per cent. of the total value of all property in such county—as listed and assessed for taxation; nor in the aggregate not exceeding one-half of one per cent. of the total value of such property. Said bonds shall be of such denomination and payable at such places and at such times not exceeding thirty years from the date of issue, as the commissioners may determine, and shall bear interest payable semiannually at a rate not exceeding five per cent. per annum. In addition to all other levies authorized by law, the commissioners are authorized to levy a tax

Commissioners may sell bonds to pay cost of same.

Tax levy.

upon the property of said county sufficient in amount to pay the interest and principal of said bonds.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,
Governor.
 288G

[Senate Bill No. 197.]

AN ACT

To amend section 218-5 of the Revised Statutes of Ohio, relating to payment of employes, purchase of materials, etc., for the public works of the state.

Be it enacted by the General Assembly of the State of Ohio:

Board of public works:

How employes to be paid, and materials purchased.

SECTION 1. That section 218-5 of the Revised Statutes of Ohio, be so amended as to read as follows:

Sec. 218-5. To provide for the prompt payment of all employes and laborers, and for the purchase of materials and for incidental expenses in the current repairs of the public works of the state, the superintendent of each division shall, at the close of every month, file with the engineer duplicate time rolls of all employes and laborers employed during the month, together with itemized bills of all materials purchased for the use of the state, and bills for the subsistence of horses, and for the board of hands, where the state is liable for such board, and other contingencies; and upon examination thereof, said engineer shall, if he approve the same, issue his certificate in favor of such superintendent of repairs, and immediately notify the secretary of said fact, upon which the said board of public works, if satisfied that the certificate is correct, shall issue its check on the auditor of state, whose duty it shall be to issue his warrant on the treasurer of state for the amount specified in the check, and charge the same to the canal fund, to which fund all receipts from tolls, fines, water rents, and sales of lands held by the state for canal purposes shall be credited; and the superintendent upon receiving the money, shall immediately proceed to pay all the indebtedness which he may have incurred on behalf of the state for labor, material, repairs, etc., on the division in his charge; and without delay after such payment, said superintendent shall file the original copy of the accounts theretofore filed, with the engineer, properly attested by the receipts of all parties named therein, as his voucher for money paid out, with the secretary of the board, whose duty it shall be to examine the same, and found by him to be correct, he shall credit the amount of the same to the account of said superintendent.

Receipts from tolls, water rents, etc., to be credited to the canal fund.

SECTION 2. That section 218-5 of the Revised Statutes be and the same is hereby repealed. *Repeals.*

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 25, 1904.
 Approved May 3, 1904.

MYRON T. HERRICK,
Governor.
 289G

[Senate Bill No. 207.]

AN ACT

To provide a depository for state funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Every state officer, employee, board, department or commission, receiving money, checks, or drafts, for or on behalf of the state, from fees, rentals, penalties, costs, fines, sales of property, or otherwise, shall on or before Monday of each week, pay to the treasurer of state, all such money, checks or drafts received during the preceding week and on the same day, file a detailed, verified statement of such receipts with the auditor of state.

All moneys received by state officers, employees, boards, etc., on behalf of state to be paid to state treasurer weekly.

SECTION 2. There is hereby created a board of deposit, consisting of the treasurer of state, auditor of state and attorney-general, and said officers are hereby required to perform the duties herein prescribed, as members of said board of deposit, without any extra or additional compensation, except that for extra work placed on the treasurer by the passage of this act, he shall be entitled to receive one-twentieth of the interest collected by him from the depositories, who may hold the money of the state on deposit. The treasurer of state shall be chairman of said board. Said board shall elect a secretary thereof, and the records of said board kept by said secretary or a duly certified copy thereof, shall be prima facie evidence of the matter appearing therein, in any court of the United States. It shall be the duty of said board of deposit to meet on the first Monday in October of each year, or any time after the annual meeting, upon the call of the chairman, and designate such banks, and trust companies within this state, as they may, under the provisions of this act, deem eligible to be made state depositories for the purpose of receiving on deposit funds of this state. All necessary expenses for books, stationery, printing, postage and [the] actual expenses of the members of the board, when engaged in the discharge of their duties, shall be paid out of the state treasury from a fund to be hereafter appropriated, upon the order of the commission duly certified by the chairman and secretary, but such expenses shall not exceed the sum of \$2,000.00 in any one year.

Board of deposit created; how constituted; organization.

Duty of board.

Expenses, how paid.

Applications of banks, etc., to be made to state depositories.

SECTION 3. All banks and trust companies applying to be made state depositories under the provisions of this act, shall on or before the date of the meeting of the board of deposit, file their application in writing with the chairman of the board of deposit, said application to be accompanied with a sworn statement of the financial condition of said bank or trust company, at time application is made. The board of deposit at its meetings, shall pass upon all applications made in compliance with this act, and shall stamp upon the application "approved" or "rejected," and the same shall be duly signed by the members of the board of deposit or a majority of them. Any and all applications stamped "approved" and signed by the members of said board as herein provided, shall be deemed eligible to be made state depositories under the provisions of this act.

Treasurer of state authorized to deposit moneys in approved banks, etc.

SECTION 4. The treasurer of state may deposit any portion of the public moneys in his possession, in any such national banks within the state, or any banks or trust companies incorporated under the laws of and doing business within this state, as shall have been approved under the provisions of this act by the board of deposit as herein provided; but no bank shall have on deposit more than its paid in capital stock at any one time, and in no event more than \$500,000.

Banks before receiving deposits required to deposit with state treasurer bonds equal to amount of money to be deposited.

SECTION 5. The treasurer of state, before making such deposits or selecting any state depository or depositories under this act, shall require each and every national bank, state bank, or trust company selected by him as a state depository, to deposit with the treasurer of state, United States government bonds, or state bonds of this state, or county or municipal bonds of counties or municipalities of this state, or surety companies bonds, at not less than their par value, in an amount equal to the amount of money to be deposited with such bank, banks or trust companies, conditioned for the receipt and safe-keeping and payment over to the treasurer of state or his written order of all money which may come into the custody of such bank, banks or trust companies, under and by virtue of this act, and the interest thereon when paid, shall be turned over to the bank or trust company, so long as it is not in default. And further, the said bonds so given shall include a special obligation to settle with and pay to the treasurer of state, for the use of the state, interest upon daily balances on said deposit or deposits, at the rate of not less than two per centum per annum, payable quarterly on the first Monday in February, May, August and November of each year, or at any time when the account may be closed.

Banks required to pay interest on deposits.

Money may be withdrawn for purpose of paying appropriations and obligations of the state.

SECTION 6. Nothing in this act contained shall be held to prevent the treasurer of state from withdrawing any or all of said funds so deposited, for the purpose of paying the appropriations and obligations of the state, and pay out the same only on authority of law, and the treasurer of state shall be personally responsible for a faithful performance of his duties under the law, and for a proper accounting of all moneys paid to him as treasurer of state; but he shall

not be held personally liable for any moneys that may be lost by reason of the failure or insolvency of any bank or trust company selected as a depository under the provisions of this act.

SECTION 7. The treasurer of state may designate two or more banks or trust companies or either of them located in Columbus, Ohio, eligible under the provisions of this act, as depositories, the same to be known as "active depositories." Said "active depositories" shall be required to pay interest at a rate of not less than one per centum per annum on all daily balances.

"Active depositories."

SECTION 8. That the treasurer of state is hereby authorized and empowered to sell any or all of the bonds that may be deposited with the treasurer of state as collateral security for the deposit of any state funds in any state depository under this act, at public or private sale, whenever there shall be a failure or refusal upon the part of any bank or trust company as a state depository, to pay over the said funds or any part thereof upon the demand or order of the treasurer of state, on such bank or trust company.

Sale of bonds deposited with treasurer upon failure of bank to pay over funds on demand.

Notice of the sale of bonds under this act, shall be given for a period of thirty days in a newspaper published in the city of Columbus, Ohio, and when a sale of bonds is made by the said treasurer of state, either at public or private sale, under this act, and such bonds have been transferred by the chairman and secretary of the board, the absolute ownership of such bonds shall rest in the purchaser or purchasers, upon the payment of the purchase money to the treasurer of state. Should there be any surplus after paying the amount due the state, and expenses of state [sale] it shall be paid over to the bank or trust company making the deposit.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.
Approved May 3, 1904.

290G

MYRON T. HERRICK,
Governor.

[House Bill No. 588.]

AN ACT

To supplement section 1 of an act entitled "An act to provide for one steam railroad crossing another steam railroad," passed May 10, 1902, relating to the crossing of railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act to provide for one steam railroad crossing another steam railroad," passed May 10, 1902, be supplemented so as to read as follows:

Common
pleas court
given jurisdic-
tion to ascer-
tain and define
manner in
which one
steam railroad
shall cross
another within
corporate
limits.

Change of
grade.

Right to
appeal.

Sec. 1a. That where it becomes necessary, within the corporate limits of a city or village, for the track of a steam railroad company to cross the track of another steam railroad company unless the manner of such crossings shall be agreed to between such companies, it shall be the duty of the court of common pleas of the county wherein such crossing is located, or a judge thereof in vacation, on application of either party, to ascertain and define by its decree the mode of such crossings which will inflict the least practical injury upon the rights of the company owning or operating the road which is intended to be crossed; and, if in the judgment of such court or such judge thereof, it is reasonable and practicable to avoid a grade crossing, it shall by its process prevent a crossing at grade; but in changing the grade of any steam railroad, no grade shall be required to exceed the established maximum or ruling grade governing the operations by engines of that division or part of the railroad on which the improvement is to be made, without the consent of the railroad company, nor shall the railroad company's tracks be required to be placed below high water mark. The court shall, in its order, equitably apportion the initial expense of such construction or crossing and the expense of maintenance thereof among the parties interested. Any party feeling itself aggrieved by the decision of said court shall have the right of appeal as in other civil cases. Nothing in this act shall prevent any railroad company from laying additional tracks at existing crossings.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,

Governor.
291G

[House Bill No. 491.]

AN ACT

To re-enact section 2518 of the Revised Statutes of Ohio, providing for the appointment of a board of cemetery trustees in villages.

Be it enacted by the General Assembly of the State of Ohio:

Cemeteries:

SECTION 1. That there be re-enacted a section of the Revised Statutes of Ohio to be known and numbered as section 2518 and to read as follows:

Appointment
of board of
cemetery trus-
tees; number
of members,
term.

Sec. 2518. The mayor of any village owning a public burying ground, or cemetery, or which may hereafter be provided with the same, shall have the power to appoint a board to be known as the board of cemetery trustees; said board of cemetery trustees shall consist of three members,

whose term of office shall be three years; provided, however, that the term of office of any such board first appointed in any village, subsequent to the passage of this act, shall extend until the first municipal election has been held thereafter and the officers chosen at said election duly qualified and placed in office. Thereafter the mayor shall appoint a board whose term shall expire as follows: One trustee for a term of three years, one trustee for a term of two years, and one trustee for a term of one year. And thereafter each year after the annual municipal election has been held and the newly elected officers have been duly qualified and placed in office the mayor shall at the first meeting night of the council within his village appoint one member on the board of cemetery trustees whose term of office shall be for three years, or until his successor in office shall have been regularly appointed and qualified. In case a vacancy in said board of cemetery trustees in any village where such board shall have been appointed, in accordance with the provisions of this section, by reason of the death, disability, or removal from office of any member or members of said board, the mayor shall appoint a member or members to fill such vacancies, and the person so appointed shall serve out the unexpired term or until his successor is regularly elected and qualified. All appointments to fill vacancies as aforesaid shall be made at the first meeting night of the council after such vacancy shall have been brought to the attention of the mayor and council. The mayor of any village where such board of cemetery trustees is appointed in accordance with the provisions of this section shall have power to remove from office any member of said board for any misconduct, neglect of duty or malfeasance in office; said board of cemetery trustees shall have all the powers and perform all the duties prescribed by law in this chapter for such trustees; and said board shall organize in accordance with the provisions of section 2533a of the Revised Statutes of Ohio.

Vacancies.

Removals.

Powers and duties.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,

Governor.

292G

[House Bill No. 514.]

AN ACT

To amend section 2128 of the Revised Statutes of Ohio, relating to the quarantine of persons affected with contagious diseases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2128 of the Revised Statutes of Ohio be amended to read as follows:

Municipal corporations;
board of health.

Disinfection of house in which person has been ill with contagious disease; procedure.

Destruction of infected property.

Compensation for property destroyed.

Maintenance of person confined in quarantined house.

Sec. 2128. (Disinfection of houses in which person has been ill with contagious disease; procedure; destruction of infected property; compensation for property destroyed; maintenance of person confined in quarantined house; expenses; by whom paid.) It shall be the duty of every physician who is attending a person affected with smallpox, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever, when such person has recovered and is no longer liable to communicate the disease to others, or has died, to furnish a certificate to the proper board of health of such recovery or death, and as soon thereafter as the board of health deems it advisable its health officer or other person appointed for the purpose shall thoroughly disinfect and purify the house and contents thereof in which such person has been ill or has died, which disinfection and purification shall be done in accordance with the rules and regulations adopted and promulgated by the state board of health, and the local board of health may purchase such disinfecting apparatus and supplies as it deems necessary for such purpose; and upon the request of the owner or occupant of any dwelling house, or the head of any family, the board of health shall purify and disinfect any room which has been occupied by any person suffering from pulmonary tuberculosis, commonly called consumption, or room in which any person has died from said disease; the expenses of disinfection shall be paid by the local board of health, and said board may destroy any infected clothing, bedding, or other article which cannot be made safe by disinfection, and shall furnish to the owner thereof a receipt, of which it shall keep a full and accurate copy, for articles so destroyed, which receipt shall show the number, character, condition and estimated value of the articles destroyed and when any buildings, hut, or other structure has become infected with smallpox or other dangerous communicable disease, and cannot, in the opinion of the board of health, be made safe by disinfection, the board may have such building, hut, or other structure appraised and destroyed, and the council of cities and villages, or other board or body having the powers of council, and the trustees of hamlets and townships, upon the presentation of the original receipt or written statement of the appraisers for articles or houses so destroyed, shall pay to the owner thereof, or other person authorized by the owner to receive the same, the estimated value of such destroyed articles, or such sum as the council or other legislative body may deem a just compensation therefor, and in the event the owner is not satisfied with the amount so allowed he may sue for the value thereof. When a house or other place is quarantined on account of contagious diseases it shall be the duty of the board of health having jurisdiction to provide for all persons confined in such house or place, food, fuel, and all other necessities of life, including medical attendance, medicine and nurses, when necessary: the expenses so incurred, except those for disinfection, quarantine, or other measures strictly for the protection of the

public, when properly certified by the president and clerk of the board of health, or health officer where there is no board of health, shall be paid by the person or persons quarantined, when able to make such payment, and when not by the city, village, hamlet or township in which he or they were quarantined, provided that when a person with a contagious disease quarantined in any county is a legal resident of some other county of this state, and is unable to pay such expenses, they shall be paid by the county in which he has a legal residence, if notice and a sworn statement of the amount of such expenses are sent to the infirmity directors of said county within thirty days after the quarantine in such case was discharged; provided, further, that the expenses for quarantining a county infirmity or other county public institution, shall be paid by the county when properly certified by the president and clerk of the board of health or health officer, where there is no board of health, of the municipality, or township in which said institution is located.

SECTION 2. That said original section 2128 be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.
Approved May 3, 1904.

MYRON T. HERRICK,
Governor.
293G

[House Bill No. 462.]

AN ACT

To amend sections 4095, 4096, 4097, 4099, 4100, 4101, 4102, 4103, 4104 and 4105, of the Revised Statutes of Ohio, relating to municipal universities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4095, 4096, 4097, 4099, 4100, 4101, 4102, 4103, 4104 and 4105 of the Revised Statutes of Ohio be amended so as to read as follows: Colleges and universities:

Sec. 4095. The board of directors of the university, college or other educational institution of any municipal corporation, in the name and on behalf of such corporation, may accept and take any property or funds heretofore or hereafter given to such corporation for the purpose of founding, maintaining or aiding a university, college or institution for the promotion of education, and upon such terms, conditions and trusts not inconsistent with law as the said board of directors may deem expedient and proper for that end. Board of directors of educational institution may accept educational trusts.

How trust
funds to be ap-
plied.

Sec. 4096. For the further endowment, maintenance and aid of any such university, college or institution heretofore or hereafter founded, the board of directors thereof may, in the name and in behalf of such municipal corporation, accept and take as trustee and in trust for the purposes aforesaid any estate, property or funds which may have been or may be lawfully transferred to the municipal corporation for such use by any person, persons or body corporate having the same, or any annuity or endowment in the nature of income which may be covenanted or pledged to the municipal corporation, towards such use by any person, persons or body corporate; and any person, persons or body corporate having and holding any estate, property or funds in trust or applicable for the promotion of education, or the advancement of any of the arts or sciences, may convey, assign and deliver the same to such municipal corporation as trustee in his, their or its place, or covenant or pledge its income or any part thereof to the same; and any such estate, property, funds or income shall be held and applied by such municipal corporation in trust for the further endowment, maintenance and aid of such university, college or institution, in accordance nevertheless with the terms and true intent of any trust or condition upon which the same was originally given or held.

Trusteeship
to vest in city.
etc.

Sec. 4097. Upon such transfer and the acceptance thereof by the municipal corporation and its successors, as trustees shall become and be perpetually obligated and held to observe and execute such trust in all respects according to any other or further terms or conditions lawfully agreed upon at the time of such transfer and acceptance; and any court having jurisdiction of the appointment of trustees of such trust for educational purposes, may, in a proceeding for that purpose duly instituted and had, appoint and constitute such municipal corporation with the consent of its council, trustee of the estate, property and funds so transferred to it, and may dispense with bond and ~~safety~~ upon the part of the municipal corporation for the performance of such trust, unless the same is required by the original terms or conditions thereof, and shall upon the due transfer and acceptance of such trust by the municipal corporation, release and fully discharge the trustee, or trustees so transferring the same; and any acceptance or acceptances by such municipal corporation of any or all property, funds, rights, trust estate or trusts heretofore given, granted, assigned, or otherwise conveyed or transferred to, or bestowed upon any such municipal corporation or to or upon any such university, college or institution in good faith, and which are still held and retained by such municipal corporation, or any such university, college or institution, shall be held and deemed to be valid and binding as to all parties.

Powers of
board of di-
rectors.

Sec. 4099. As to all matters not herein or otherwise provided by law, such board of directors shall have all the authority, power and control vested in or belonging to such municipal corporation as to the management and con-

trol of the estate, property and funds, given, transferred, covenanted or pledged to the municipal corporation for the trusts and purposes aforesaid, and the government, conduct and control of such university, college or institution; it may appoint a clerk and all agents proper and necessary for the care and administration of the trust property, and the collection of the income, rents and profits thereof; it may appoint the president, professors, tutors, instructors, agents and servants necessary and proper for such university, college or institution, and fix their compensation; it may provide all the necessary buildings, books, apparatus, means and appliances, and may pass all such by-laws, rules and regulations concerning the president, professors, tutors, instructors, agents, and servants, and the admission, government and tuition of students, as it may deem wise and proper, and it may, by suitable by-laws, delegate and commit the admission, government, management and control of the students, courses of studies, discipline and other internal affairs of such university, college or institution, to a faculty which the board of directors may appoint from among the professors.

The solicitor of such municipal corporation shall, whenever requested so to do by resolution of said board, prosecute and defend, as the case may be, for and in behalf of the corporation, all complaints, suits and controversies in which the corporation or such board is a party, and which relate to any property, funds, trusts, rights, claims, estate or affairs, which shall or may be under the control or direction of said board, or which shall, in any manner, relate to the conduct or government of such university, college or institution.

Sec. 4100. Citizens of such municipality shall not be charged for instruction in the academic department, except in professional courses therein. Such board of directors may charge fees to students in other departments and to students in professional courses in the academic department, and shall have power in its direction [discretion] from time to time to make such university, college or institution free in any or all of its departments to citizens of such county in which such university, college or institution may be located. The board of directors may in their discretion receive other students on such terms as to tuition or otherwise as they may see fit.

Citizens not to be charged for admission of children.

Sec. 4101. The accounts of such trust estate, property and funds, and of the income and expenditure thereof, shall be kept by the auditor of such municipal corporation entirely distinct from all other accounts or affairs of the municipal corporation, and the moneys shall be kept by the treasurer of the municipal corporation distinct from other moneys. And the said board of directors shall, at all times, confine their disbursements for current expenses within the income of the trust, estate, property and funds, and shall annually report to the mayor and council of such municipal corporation a full statement of the accounts of administra-

Account of receipts and expenditures of endowment fund; how said fund may be invested.

tion of such trust and other funds; and said board of directors is hereby authorized to invest any part of the funds belonging to, or set apart for the use of such university, college or institution, or to any department thereof, as it may, from time to time, deem proper, in bonds of the United States or of the state of Ohio, or of any municipal corporation in the state of Ohio, or any county or school district in the state of Ohio, or in any other bonds or first mortgage securities approved by the board of directors; and said board is further authorized to use any funds under its control for the improvement of real estate belonging to, or set apart for the use of, such university, college or institution.

When board
may confer de-
grees.

Sec. 4102. The board of directors of such university, college or institution, may, upon the recommendation of the faculty thereof, confer such degrees and honors as are customary in universities and colleges in the United States, and such others as with reference to the course of studies and attainments of the graduates in special departments it may deem proper.

A university supported in whole or in part by municipal taxation, is hereby defined as an assemblage of colleges united under one organization or management, affording instruction in the arts, sciences and the learned professions, and conferring degrees.

Council may
provide site
for municipal
university.

Sec. 4103. The council of any such municipal corporation may set apart, or appropriate as a site for the buildings and grounds of any such university, college or institution, any public grounds of the city not especially appropriated or dedicated by ordinance to any other use, any other law to the contrary notwithstanding; and the board of education of any such municipal corporation may also, for a like purpose, set apart, convey or lease for a term of years, any grounds or building owned or controlled by such board of education. Any grant for the use of such grounds or buildings heretofore or hereafter made by any council or board of education, may be modified, changed or extended as to the time when the same shall take effect and be in force, or otherwise, by agreement between said council, or board of education, and the board of directors of such university, college or institution, and said council shall be taken and held to be the representative of such municipal corporation vested with the title, right of possession and entire control of such property for the purposes of a new grant.

When and how
tax to be
levied.

Sec. 4104. The council may assess and levy annually taxes on all the taxable property of such municipal corporation to the amount of three-tenths of one mill on the dollar valuation thereof, to be applied by said board to the support of such university, college or institution, and may also levy and assess annually five one-hundredths of one mill on the dollar valuation thereof, for the establishment and maintenance of an astronomical observatory, or for other scientific purposes, to be determined by the board of directors

and to be used in connection with such university, college or institution, the proceeds of which shall be applied by the board of directors for such purposes exclusively;

Provided, however, that the taxes specified in this section shall only be levied and assessed when the chief work of such university, college or institution, is the maintenance of courses of instruction, in advance of or supplementary to the instruction authorized to be maintained in high schools by boards of education. Said levies shall be made by council at the same time, and in the same manner as other levies for other municipal purposes, and shall be certified by council, and placed upon the tax duplicate in the same manner as other municipal levies. The funds of any such university, college or institution shall be paid out by the treasurer upon the orders of the board of directors and the warrant of the auditor.

Sec. 4105. The custody, management and administration of any and all estates or funds, given or transferred in trust to any municipality for the promotion of education, and accepted by the council thereof, and any institution for the promotion of education heretofore or hereafter so founded other than a university as defined by this act, shall be committed to, and exercised by, the board of education of the school district including such municipality, and such board of education shall be held the representative and trustee of such municipality in the management and control of such estates and funds so held in trust and in the administration of such institution, excepting always such funds and estates held by any municipality which are used to maintain a university as defined by this act. And for the uses and purposes of such board of education in administering such trusts, the council of such municipality may annually levy taxes on all the taxable property of such municipal corporation to the amount of three-tenths of one mill on the dollar valuation thereof.

Board of education to have control and management of property held in trust for educational purposes, etc.

Tax levy.

SECTION 2. That said original section 4095, 4096, 4097, 4099, 4100, 4101, 4102, 4103, 4104, and 4105, and all amendments and supplements thereto, and all laws inconsistent herewith, be and the same are hereby repealed.

Repeals.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,

Governor.

294G

AN ACT

To provide how railroad and highway crossings may be constructed.

Be it enacted by the General Assembly of the State of Ohio:

Railroad and highway crossings shall be above or below grade.

SECTION 1. Except as in this act elsewhere provided, all crossings, hereafter constructed, whether of highways by railroads, or of railroads by highways, shall be above or below the grade thereof.

Railroad crossings.

SECTION 2. Every railroad company constructing a new line of railroad, under its charter powers, across a highway, shall construct the same above or below the grade of the highway, unless permitted in the manner hereinafter provided, to construct the same at grade; and such railroad company may exercise the power contained in its charter and the general laws, for altering the grade and location of highways in order to avoid grade crossings.

Highway crossings.

SECTION 3. Every municipality or other authority hereafter constructing a highway across an existing railroad, shall construct the same above or below the grade thereof, unless permitted in the manner hereinafter provided, to construct the same at grade, and the cost of said work shall be paid, one-half by said municipality, and one-half by the railroad company owning said railroad.

When such crossings may be at grade; common pleas court given jurisdiction to determine.

SECTION 4. Whenever it shall be desired by any railroad company constructing a new railroad, or by any municipality or authority constructing a new highway that the railroad or highway should be so constructed that the railroad and highway shall cross each other at the same grade, a petition shall be presented by the party desiring such construction to the court of common pleas of the county within which said crossing is situated upon ten days' notice to the corporation owning said railroad, or to such municipality or authority, describing the proposed construction, and setting forth the reasons that are supposed to make the same necessary or desirable; and the court of common pleas shall thereupon have jurisdiction of the parties and the subject matter of such petition, and may proceed, summarily or otherwise, and upon such notice as it shall deem sufficient, to examine the matter, either by evidence, by reference to a master commissioner or otherwise; and, if satisfied that such construction is reasonably required to accommodate the public, or to avoid excessive expense, in view of the small amount of traffic on the highway or railroad, or in view of the difficulties of other methods of construction, or for other good and sufficient reasons, then it shall make an order or orders permitting such crossing at grade to be established; and it may, in such order, in its discretion, prescribe that gates, signals, or other safeguards shall be maintained by the railroad company, in addition to the signals and safeguards prescribed by statute, and all such orders shall be binding upon the parties and

shall be observed by them. All costs and expenses of the proceedings shall be ascertained and allowed by the court of common pleas and shall be paid by such party as it shall decide, or by it apportioned between the parties, and may be collected by execution out of said court.

SECTION 5. Either party feeling itself aggrieved by the decision and order of said common pleas court shall have the right of appeal, as in other civil cases.

Right of
appeal.

SECTION 6. Nothing in this act shall prevent any railroad company from laying additional tracks at crossings previously existing, or from constructing switches, sidings and branch lines from their lines of railroad now or hereafter constructed to any mill, factory, or other manufacturing establishment, or other industrial plant, or any elevator, wharf or pier, or gravel, marl, or clay bed, or any mine, or from laying additional track to increase their yard facilities at terminal or other points across public highways at the grade thereof, but such signposts and signals shall be employed for the protection of such crossings as are by law prescribed for railroad crossings of public highways.

Additional
tracks,
switches, etc.;
how con-
structed.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 25, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,

Governor.

295G

[House Bill No. 122.]

AN ACT

Qualifying the risks to be deemed as assumed by employees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In any action brought by an employee, or his legal representative, against his employer, to recover for personal injuries, when it shall appear that the injury was caused in whole or in part by the negligent omission of such employer to guard or protect his machinery or appliances, or the premises or place where said employe was employed, in the manner required by any penal statute of the state or United States in force at the date of the passage of this act, the fact that such employe continued in said employment with knowledge of such omission, shall not operate as a defense; and in such action, if the jury find for the plaintiff, it may award such damages not exceeding, for injuries resulting in death, the sum of five thousand dollars, and for injuries not so resulting, the sum of three thousand dollars, as it may find proportioned to the pecuniary damages resulting from said injuries; but nothing herein shall affect the provisions of section 6135 of the Revised Statutes.

Act qualifying
the risks to be
deemed as as-
sumed by em-
ployees.

Nothing herein contained shall be construed as affecting the defense of contributory negligence, nor the admissibility of evidence competent to support such defense.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 23, 1904.
 Approved May 3, 1904.

MYRON T. HERRICK,
Governor.
 296G

[Senate Bill No. 177.]

AN ACT

To amend section 1 of an act entitled, "An act to provide for one steam railroad crossing another steam railroad," passed May 10, 1902, relating to the crossing of railroads.

Be it enacted by the General Assembly of the State of Ohio:

Railroad com-
 panies:

SECTION 1. That section 1 of an act entitled "An act to provide for one steam railroad crossing another steam railroad," passed May 10, 1902, be amended so as to read as follows:

Common pleas
 court given
 jurisdiction to
 ascertain and
 define manner
 in which one
 railroad com-
 pany shall
 cross another
 outside the
 limits of a
 municipality.

Sec. 1. That where it becomes necessary, outside the corporate limits of a city or village, for the track of a steam, street, electric or interurban railroad company to cross the track of another steam, street, electric or interurban railroad company, unless the manner of such crossing shall be agreed to between such companies, it shall be the duty of the court of common pleas of the county wherein such crossing is located, or a judge thereof in vacation, on application of either party, to ascertain and define by its decree the mode of such crossing which will inflict the least practical injury upon the rights of the company owning or operating the road which is intended to be crossed; and, if in the judgment of such court or such judge thereof, it is reasonable and practicable to avoid a grade crossing, it shall by its process prevent a crossing at grade; but in determining the mode of such crossing, no grade shall be required to exceed the established maximum or ruling grade governing the operation by motive power of that division or part of the company on which the improvement is to be made, without the consent of the company; nor shall either company's tracks be required to be placed below high water mark.

The court shall, in its order, equitably apportion the initial expense of such construction or crossing and the expense of maintenance thereof among the parties interested. Any party feeling itself aggrieved by the decision of said court shall have the right of appeal as in other civil cases.

SECTION 2. Nothing in this act shall prevent any railroad company from laying additional tracks at existing crossings. Additional trackage.

SECTION 3. That said section 1, be and the same is hereby repealed. Repeals.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,
Governor.
297G

[House Bill No. 284.]

AN ACT

To amend section 670 of the Revised Statutes of Ohio, providing for compensation for the officers and employes of the Ohio state school for the blind.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 670 of the Revised Statutes of Ohio, providing for compensation for the officers and employes of the Ohio state school for the blind, be amended so as to read as follows: Ohio state school for the blind:

Sec. 670. The compensation of the officers and employes of the Ohio state school for the blind may be paid as follows, and not exceeding the sums herein stated: To the matron four hundred dollars per annum; to the assistant matrons three hundred and fifty dollars each per annum; the housekeeper three hundred and fifty dollars per annum; the first teacher in the high school department one thousand dollars per annum; the second teacher in the high school department eight hundred dollars per annum; two female teachers high school department six hundred dollars each per annum; the teachers of the grammar and primary departments five hundred and fifty dollars each per annum; the librarian six hundred dollars per annum; the professor of music one thousand dollars per annum; four male music teachers six hundred dollars each per annum; three female music teachers five hundred dollars each per annum; all other music teachers three hundred dollars each per annum; the teacher of tuning seven hundred dollars per annum; the foreman of the broom shop six hundred and fifty dollars per annum; the teacher of cane seating two hundred dollars per annum; the teacher of beadwork four hundred dollars per annum; the teacher of sewing four hundred dollars per annum; the engineer one thousand dollars per annum; but the teachers residing and boarding outside said school may be paid in addition to the foregoing two hundred dollars each per annum as the board of trustees may deem best. Compensation of officers and employes of blind asylum.

Repeals.

SECTION 2. That said original section 670 is hereby repealed.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 22, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,
Governor.
 298G

[House Bill No. 67.]

AN ACT

To authorize the improvement of public roads of townships including streets of cities or villages therein, and to repeal sections 1 to 25 inclusive of an act passed April 16, 1900, Ohio Laws, Vol. 94 page 284.

Be it enacted by the General Assembly of the State of Ohio:

Submission of
road and street
improvement
question to
electors
of township.

SECTION 1. The trustees of any township in this state shall, when the petition of one hundred or more of the taxpayers of such township is presented to them, praying for the improvement of the public roads within such township and including any road running into or through any village or city, submit the question of the improvement of said roads to the qualified electors of such township at the next general election or at a special election, held after the presentation of such petition.

Form of propo-
sition and
ballot.

SECTION 2. The qualified electors of such township shall at said election have submitted the policy of the improvement of its public roads by general taxation. Those voting in favor of such proposition shall have on their ballot, "Road improvement by general taxation—yes", and those opposed, "Road improvement by general taxation—no." The township trustees shall cause notice of said election to be published in two newspapers in general circulation, if such are printed in said township, for at least ten days, and shall also cause handbills, announcing the same, to be posted at the usual places of holding elections, at each precinct in such township at least ten days previous to such election.

Notice of elec-
tion.

Appointment,
duties and
compensation
of judges
and clerks;
conduct and
returns of
election.

SECTION 3. The trustees of such township shall appoint three judges and two clerks for each precinct therein, who shall conduct such election in like manner as is by law provided for holding other elections, and who shall within three days thereafter return to the clerk of said township a full and correct abstract of the votes cast at such election, and shall be governed in all respects by the laws regulating general elections, and shall receive the same compensation as judges and clerks of other elections, which shall be paid out of the township funds, under the order of the town-

ship clerk. The poll-book and abstract so returned to the township clerk, shall within five days thereafter, be opened by the township trustees and clerk and a correct statement of the result shall be entered upon the records of the township by the clerk for public inspection.

Canvass of returns and record of result.

SECTION 4. If at such election a majority of the votes cast are against the policy of improving the roads by general taxation, the township trustees shall not assess any taxes for that purpose; but they shall, when a like petition is thereafter presented to them, again submit the same question at the next annual election, to the qualified voters of such township, notice of which shall be given and the election conducted, in all respects, in the manner hereinbefore prescribed.

Result of negative vote; resubmission of question.

SECTION 5. If, at such election, a majority be found in favor of the policy of the improvement of the public roads of such township by general taxation, the trustees of such township shall appoint three freeholders as commissioners, who shall serve three years from and after the date of their appointment, and in the event of a vacancy occurring upon such board, from any cause whatsoever, such vacancy shall be filled by appointment for the unexpired term by the trustees. Such commissioners shall designate and determine the established roads and streets in such township which shall, in their opinion, be improved. The commissioners shall call to their assistance a competent engineer, who shall make a correct map of such township, plainly showing the established roads and streets in such township which have been by such commissioners designated for such improvement; also, profiles of such roads and streets showing the grade thereof, as they then exist or have been established, which he shall turn over to the custody of the township clerk.

Appointment, qualifications and term of commissioners.

Vacancy.

Designation of road districts to be improved.

Engineer's selection and duties.

SECTION 6. The commissioners so appointed shall, before entering upon the discharge of their duties, take an oath or affirmation, to honestly and impartially discharge their duties with a view to the public welfare and shall serve without compensation. The engineer shall receive such sum, not to exceed four dollars per day, as he may, with the commissioners agree upon. The compensation of the engineer shall be paid out of the township funds, upon the order of the township clerk, after allowance by the township trustees.

Oath and compensation of commissioners.

Compensation of engineer.

SECTION 7. After the report of the commissioners, and the map and the profiles have been filed with the township clerk, the township trustees shall, in determining which road shall be first improved, of those designated by the commissioners, select those nearest the center line of such township, north and south, and if, in their opinion, it is not expedient to improve all roads in all directions at one time, they shall proceed to improve the roads which in their opinion are the most traveled and used, within such township.

Order of improvement.

SECTION 8. The trustees shall cause to be kept by the township clerk in a book, to be provided by them for that

Record of proceedings and account of receipts and expenditures.

Payments from treasury. purpose, a full and correct record of their proceedings under this act, relating to the matter of improving roads within such township; and also an accurate separate account of receipts and expenditures under its provisions; and no money raised for the improvement of public roads and streets shall be drawn from the treasury, except for liabilities already accrued, and then only in pursuance of orders cause (issued) by the trustees, whilst in session as a board, and be entered on the record of their proceedings, and by orders drawn in pursuance thereof by the township trustees, upon the township treasurer, and in favor of persons only to whom the money is due.

Award of contracts. SECTION 9. When the township trustees have by resolution determined to improve a designated road, the work of its construction shall, be by them publicly let to the lowest responsible bidder, after notice given of such letting by publication in one or more newspapers, if published in such township, and by handbills judiciously posted, at least fifteen days before the letting of the contract.

Specifications. SECTION 10. For the purpose of letting contract, the trustees shall cause each road and street about to be improved, to be divided into suitable sections, and the sections numbered from the point of beginning, toward the township line, and shall let the same by sections. All contracts shall be let upon proper specifications of the various kinds of labor required upon each section and also the material, which shall enter into the construction of the same. Bidders shall be required to separately state their bids for each class of work, in such manner as the trustees may demand, and shall also bid separately for the material to be furnished.

Bond of contractor. SECTION 11. Contractors shall be required to give bond in amount at least equal to the contract price, with sufficient security for the faithful performance of his contract, payable to the township trustees, for the use and benefit of such township, and with the necessary stipulations on part of the contractor, and specifications of the work and material inserted therein.

Point where construction to begin; payment for work. SECTION 12. In all cases the construction of such roads and streets shall commence at the point designated by the trustees, and no payment for work shall be made except upon the estimates made by the superintendent of improved roads, appointed by the trustees, and by him duly certified, for the work actually done, and for material actually furnished, after reserving such per cent., not less than fifteen, as may be fixed by the parties to the contract, to guarantee the performance thereof.

Specifications as to improvement. SECTION 13. No road or street shall be improved under the provisions of this act which is less than thirty feet in width, and shall be graded at least twenty feet in width; shall be turnpiked with earth so as to drain freely to the sides, and may be paved with brick, macadamized, raised with stone or gravel not more than sixteen feet in width, and not less than twelve inches thick in the center, nor less

than eight inches thick at the outer edge of said bed of stone, and gravel well compacted together in such manner as to secure a firm, even and substantial road. In no case shall the grade, or ascent, or descent of the road be greater than seven degrees. The roads and streets shall be well provided with the necessary side drainings, waste-ways, and under-drains, to prevent overflowing or washing of water; and the commissioners of the county in which such township is located, shall, upon application of the township trustees, cause the necessary bridges and culverts on said road to be constructed or reconstructed in a substantial manner so as to conform to the grade of the improved road. Provided, that nothing in this section contained shall be construed so as to compel the county commissioners to construct any bridge which in their judgment could be avoided by a reasonable change in the road, or construct any bridge, when for the time being, on account of the financial condition of the bridge fund, they can not, in their judgment, do so, without neglecting the needed repairing or construction of other bridges of greater public importance.

Bridges and culverts.

SECTION 14. All roads improved under the provisions of this act shall be free turnpikes; but the trustees of any such township shall have the same power to regulate the width of the tires to be used on such roads and streets as is conferred upon the county commissioners in section 4904 of the Revised Statutes of Ohio, and the penalties provided in section 4905 of said statute, shall be applicable and imposed for any violation of the rules adopted by such trustees regulating the travel upon such improved roads and streets.

Free turnpikes: regulation of width of tires.

SECTION 15. Before entering upon the improvement of any roads, under the provisions of this act, the trustees of any such township shall employ some competent engineer, who shall be known as superintendent of the improved roads, and who shall be paid not more than four dollars per day for the time actually employed, out of the funds raised for the improvement of roads and streets. He shall, before entering upon his duties, take and subscribe an oath or affirmation to faithfully and honestly discharge his duties, and shall give bond in the sum of two thousand dollars, payable to the trustees for the use and benefit of said township, conditioned that he shall faithfully and honestly discharge his duties, all and singular as superintendent of improved roads of such township; and for the duties performed under the provisions of this act, the trustees shall, upon filing an itemized statement to the clerk of such township, as provided in section 1530, Revised Statutes, as amended April 21, 1890, receive two dollars per day in addition to the fees allowed in section 1530, for other services rendered for the time actually employed, and such compensation shall not in any one year exceed the sum of one hundred dollars each, for the services performed under this act; and the trustees shall allow the township clerk for services performed under this act a

Employment, compensation, oath and bond of superintendent of the improved roads.

Compensation to township trustees and clerk.

reasonable compensation, not to exceed one hundred dollars in any one year.

Duties and powers of superintendent; payment for work or material, etc.

SECTION 16. It shall be the duty of the superintendent of improved streets and roads, of any such township, to prepare all plans, profiles, specifications, and to determine the grade of any road or street about to be improved by the trustees of such township, when by them directed so to do; and all work done on said roads or streets shall be under his supervision, and all material shall be inspected by him, and both shall be subject to his approval. No payment shall be made for any work or material except upon his estimates and certificate that the same is in compliance with the contract. He shall make and furnish to the parties in interest, estimates for the work done and material furnished, at such times, as the contract may provide, and may employ such assistance as he may require, first having had the consent of such trustees thereto, who shall receive such compensation as the township trustees may allow.

Issue of bonds.

SECTION 17. For the purpose of providing the money necessary to meet the expenses of improving such roads and streets the trustees of any township may, if in their opinion it be advisable, issue the bonds of the township, payable at such times as they may determine, not exceeding thirty years, in the sum of five hundred dollars each, bearing interest at a rate not to exceed six per centum per annum, payable semiannually; and such bonds shall not be sold for less than their par value, and accrued interest, and the aggregate amount of the bonds of any township, at any one time outstanding, shall not exceed fifty thousand dollars. The sale of such bonds shall be advertised for at least thirty days and the same sold to the highest bidder, at the office of the trustees of such township.

Annual tax to pay for improvement, redeem bonds and pay interest.

SECTION 18. When the trustees of any such township have determined to improve any road, as herein provided, in order to provide for the payment of such improvement and to provide a fund for the redemption of any bonds issued by them under the provisions of section seventeen of this act, together with the interest thereon, they shall, in addition to the other road taxes authorized by law to levy annually upon each dollar of valuation of all taxable property of such township an amount not exceeding three mills upon each dollar of such valuation, and shall continue such levy from year to year until all the roads and streets by said commissioners designated for improvements have been improved, as herein provided, and the bonds issued for that purpose, together with interest thereon, have been paid.

Submission of question of increased tax levy for improvement of roads.

SECTION 19. The trustees of any such township, in this state, shall, when the petition of one hundred or more of the taxpayers of such township, including any city or village, therein, is presented to them praying for an increase of tax levy for the improvement of public roads and streets of such township and city or village, submit the question

for an increase of tax levy for the improvement of public roads and streets to the qualified electors of such township and such city or village, at the next general election or at a special election held after the presentation of such petition. The qualified electors of such township, and city or village shall, at said election, have submitted to them the policy of an increase of tax levy for the improvement of its public roads and streets by general taxation. Those voting in favor of such proposition shall have on their ballots, "Increase of tax levy for road improvement by general taxation—yes", and those opposed, "Increase of tax levy for road improvement by general taxation—no."

The township trustees shall cause notice of said election to be given in the same manner as provided in section 2 of this act, and the provisions of section 3 of this act shall be applicable to such election. If at such election a majority of the votes cast are in favor of an increase of the tax levy for road improvement by general taxation, the township trustees shall levy annually upon each dollar of valuation of all the taxable property of such township, including such village or city, an amount not exceeding six mills upon each dollar of valuation, as provided in section 18 of this act, and if a majority of the votes cast are against an increase of tax levy for road improvement by general taxation, the township trustees shall not levy a tax in excess of that which they were authorized to levy before such election was held; but they shall when a like petition is hereinafter presented to them, again submit the same question, at the next general election held after the presentation of such petition, to the qualified voters of such township, including such village or city, notice of which shall be given and the election conducted, in all respects in the manner hereinafter prescribed.

Notice of election.

SECTION 20. The trustees of any such township shall cause the amount of taxes by them levied each year, under the provisions of sections 18 or 19 of this act, to be certified to the auditor of the county, in which it is located, as other taxes are certified to him, and the same shall be by him placed upon the duplicate of the taxable property of such township and the same shall be collected by the treasurer of said county as other taxes are collected.

Certification and collection of taxes.

SECTION 21. The trustees of any such township shall provide for the keeping in repair of such improved roads and streets and for that purpose the provisions of sections 4891, 4892 and 4893, and any amendments thereto of the Revised Statutes are made applicable to such township.

Provisions for repairs.

SECTION 22. To provide a fund for the keeping in repair of such improved roads and streets the trustees of such township may levy annually an amount not to exceed one-half of one mill upon each dollar of the valuation of all the taxable property in such township in addition to other road taxes by them levied.

Annual tax for repairs.

SECTION 23. The treasurer of any such township shall receive and disburse all money arising from the provisions

Duties and fees of township treasurer.

of this act. He shall receive as compensation therefor one-half of one per centum of the first ten thousand dollars, or less, distributed in any one year, and one-fourth of one per centum of any amount in excess of ten thousand dollars, to be paid out of the township funds, and he shall receive no other compensation for services rendered under this act.

Exemption
from taxation.

SECTION 24. No taxes or assessments shall be levied upon any property in such township by the county commissioners of the county in which it is located, under the provision of chapters 6, 7, 8, title 7 of the Revised Statutes of Ohio, after any public roads thereof have been improved under the provisions of this act.

Application of
cost where im-
provements
made on as-
sessment plan.

SECTION 25. That in all cases where roads or streets have been heretofore improved or shall be hereafter improved by being graded or macadamized or paved on the assessment plan, and paid for, or in the process of being paid for, by abutting property owners, that the entire cost of improvement herein provided for such width as may be designated by the commissioners, and at such time as such commissioners may designate such roads for improvement shall be paid to the treasurer of the township, city or village, as the case may be, and the money so paid shall be by him applied to the payment of outstanding bonds issued for said improvement.

Restrictions
on annual im-
provement
and issue of
bonds.

SECTION 26. That not to exceed five miles of road and street shall be improved in any one year, and that in no event shall the bonds herein authorized to be issued for a sum greater than is required to be pay the cost of the improvement of roads and street for the current year.

Repeals, etc.

SECTION 27. That sections 1 to 25 inclusive of an act passed April 16, 1900 (Ohio Laws, volume 94, page 284), amending sections 1 to 25 inclusive of an act passed March 13, 1896 (Ohio Laws, volume 92, page 63), be and the same are hereby repealed; and this act shall take effect on its passage.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,

Governor.

299G

[Senate Bill No. 39.]

AN ACT

To amend sections 1284 and 1284a of the Revised Statutes of Ohio, providing for the salaries of state officials.

Be it enacted by the General Assembly of the State of Ohio:

Compensation
of public
officers:

SECTION 1. That sections 1284 as amended January 6th, 1904, and section 1284a of the Revised Statutes of Ohio:

be, and the same are, hereby amended so as to read as follows:

Sec. 1284. Annual salaries shall be allowed as follows:

Salaries of
state and
other officers.

To the governor, eight thousand dollars; secretary to the governor, eight hundred dollars; executive clerk of the governor, fifteen hundred dollars; adjutant general, two thousand dollars; assistant adjutant general, fifteen hundred dollars; lieutenant governor, fifteen hundred dollars; judges of the supreme court and supreme court commission, six thousand five hundred dollars, each; judges of the court of common pleas and judges of the superior courts, three thousand dollars, each; secretary of state, two thousand dollars; treasurer of state, three thousand dollars; auditor of state, three thousand dollars; attorney-general, fifteen hundred dollars; state librarian, fifteen hundred dollars; assistant state librarian, twelve hundred dollars; law librarian, fifteen hundred dollars; assistant law librarian, one thousand dollars; superintendent of the deaf and dumb asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; assistant matrons of same, each three hundred and sixty dollars; physicians of same, five hundred dollars; superintendent of blind asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; superintendent of imbecile asylum, twelve hundred dollars; matrons and teachers of same, each four hundred dollars; superintendent of soldiers' and sailors' orphans' home, twelve hundred dollars; matrons of same, four hundred and eighty dollars; superintendents of hospitals, asylums for the insane and Ohio hospital for epileptics, each two thousand dollars for the first year of service, and, for subsequent years of continuous service, an amount to be ascertained for each year by adding to two thousand dollars, the sum of one hundred dollars for each preceding year of continuous service, provided the total amount so ascertained shall not exceed twenty-five hundred dollars for any year, which sum shall be the maximum limit of the total compensation which said superintendent may receive for any and all services rendered in any capacity in or for said hospitals for the insane, provided the annual salaries of superintendents of asylums for the insane and Ohio hospital for epileptics shall continue until the expiration of their present terms, respectively, twelve hundred dollars; stewards of asylums for the insane, and Ohio hospitals for epileptics each twelve hundred dollars; matrons of same, each four hundred dollars; superintendent of boys' industrial school, twelve hundred dollars; matron of same, four hundred dollars; superintendent of girls' industrial home, twelve hundred dollars; matron of same, four hundred dollars; clerk of supreme court, fifteen hundred dollars; and for service while acting as clerk of supreme court commission, five hundred dollars; chief deputy clerk of supreme court, thirteen hundred dollars; second deputy clerk of supreme court, eleven hundred dollars; commis-

sioner of railroads and telegraphs, two thousand dollars; superintendent of insurance, two thousand dollars; inspector of mines, two thousand dollars; commissioner of labor statistics, two thousand dollars; supervisor of public printing, two thousand dollars; and state commissioner of common schools, two thousand dollars.

Additional compensation for judges of common pleas and superior courts.

Sec. 1284a. Each judge of the court of common pleas and of the superior court shall receive, in addition to the salary allowed by section 1284 of the Revised Statutes, an annual salary equal to sixteen dollars per thousand for each one thousand population of the county in which he resided at the time of his election or appointment, as ascertained by the federal census next preceding his assuming the duties of his office, payable quarterly out of the treasury of the county of which he is a resident as aforesaid, if said county is a separate judicial subdivision, upon the warrant of the county auditor of said county, or, if he resides in a judicial subdivision comprising more than one county, out of the treasuries of the several counties comprising such judicial subdivision, in proportion to the population of the several counties of said judicial subdivision ascertained as aforesaid, upon the warrants of the county auditors of said counties; provided, that in no case shall such annual salary so payable to such judge out of the county treasury or treasuries be less than one thousand dollars or more than three thousand dollars; and each judge of the court of common pleas shall, in addition to the annual salary provided for in this and the preceding section, receive his actual and necessary expenses, not exceeding one hundred and fifty dollars in any one year, incurred while holding court in a county in which he shall not, at the time, reside, to be paid out of the state treasury upon the warrant of the state auditor; provided, however, that the annual salaries now paid to judges out of the state treasury, and such additional actual and necessary expenses while holding court in other counties payable out of the state treasury, together with such additional salary, now provided by law, payable out of the county treasury, or treasuries, shall be paid to all judges of the court of common pleas until the expiration of their present term of office; provided further, that in no event shall any judge of the court of common pleas draw out of the state or county treasury, or both, an annual salary in excess of the maximum sum hereinbefore fixed.

Compensation for judges holding court outside county of residence.

Repeals.

SECTION 2. That sections twelve hundred and eighty-four (1284), as amended January 6, 1904, and twelve hundred and eighty-four (1284a), passed May 12, 1902. (95 O. L., 654), be and the same are hereby repealed.

HOLLIS C. JOHNSTON.

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 21, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,

Governor.

[House Bill No. 392.]

AN ACT

Making an appropriation for repairs on the northern and southern divisions of the Ohio canal, to repair damages caused by floods.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That there be and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000) for the northern division of the Ohio and Erie canal from Cleveland to Roscoe, and the southern division of the Ohio and Erie canal from Columbus to Waverly, to repair damages caused by unusual and excessive storms during the months of January and February, 1904, and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the members of the board of public works and countersigned by the chief engineer, which shall set forth in itemized form the service rendered or material furnished with expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with.

Appropriation
for repairs on
northern and
southern di-
visions of Ohio
canal.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 21, 1904.

Approved May 3, 1904.

MYRON T. HERRICK,
Governor.
301G

[Senate Bill No. 109.]

AN ACT

To provide for the appointment of a commission to select and purchase lands and erect thereon the necessary buildings and structures for a state sanatorium for the treatment of persons afflicted with incipient pulmonary tuberculosis (consumption), and the appointment of a board of trustees of such sanatorium.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That a commission to be composed of the governor, auditor of state, attorney-general and secretary of the state board of health of the state of Ohio, and one person resident of said state to be appointed by the governor within twenty days after the passage of this act, be and the same is hereby appointed, directed and authorized to select and purchase on behalf of the state not less than three hundred and fifty

Appointment
of commission
to select and
purchase lands
and erect
thereon tuber-
culosis sana-
torium.

acres of land in this state suitable for the location of a state sanatorium to be known and designated as the Ohio state sanatorium, for the treatment of persons who are residents of this state suffering from incipient pulmonary tuberculosis, commonly called consumption, and to adopt plans and specifications, prepare estimates of the cost of constructing and to let contracts for and cause to be constructed on such lands all the necessary buildings and structures to accommodate patients and the officers and employes of said sanatorium, the total cost of which shall not exceed an amount to be hereafter appropriated for said purpose. Said sanatorium is founded especially as an experimental school of instruction for the ultimate purpose of discovering and disseminating throughout the state the best means for the treatment of patients afflicted with tuberculosis. The patients admissible to the said sanatorium shall be limited to those in the incipient stage of the disease, and the said patients shall be apportioned among the several counties of the state in proportion to the population as shown by the next preceding federal census, it being further provided that each county shall be entitled at all times to at least one patient in said hospital; it being further provided that the state board of health shall prescribe how the several patients may be selected and admitted from the several counties. Said commission is also directed and authorized to purchase and provide all equipments, fixtures, appliances and furnishings for such land, buildings and structures, and to make such contracts and to employ an architect and other agents and employes as it may deem proper or necessary to carry into effect the provisions and purposes of this act.

Deeds of land purchased.

SECTION 2. The deeds of land purchased in pursuance of this act shall be executed in the name of the state of Ohio and be recorded in the records of deeds in the county wherein the same are situated.

Oath of office.

SECTION 3. The member of said commission appointed by the governor, before entering upon the duties of his office, shall take and subscribe an oath or affirmation before some competent authority, faithfully to discharge all the duties required of him by this act.

Expenses of commission.

SECTION 4. The members of said commission shall be allowed their traveling and other necessary expenses incurred in the discharge of their duties. The accounts of expenditures, including expenses of the commission, when certified to by the president and secretary thereof, shall be audited and allowed by the auditor of state.

Organization of board.

SECTION 5. Within sixty days after the passage of this act the members of said commission shall meet in the office of the governor upon his call and organize by electing one of their number president and one of their number secretary of the commission, and they are authorized to make such rules and regulations governing the commission as they may deem proper. A majority of such members shall constitute a quorum for the transaction of business.

SECTION 6. When the buildings and structures constructed under the provisions of this act are so far completed that in the opinion of the members of said commission they may be properly used for the purposes of said sanatorium, the governor, with the advice and consent of the senate, shall appoint a board of trustees of said sanatorium, to consist of five members appointed for one, two, three, four and five years, respectively from the date of their appointment, and thereafter one member shall be appointed annually for a term of five years, and all vacancies occurring in said board shall be filled in a like manner.

Board of trustees, appointment of, etc.

SECTION 7. The control and management of said sanatorium shall be vested in the board of trustees in accordance with the provisions of sections 636 to 654 both inclusive, of the Revised Statutes of Ohio, relative to other state benevolent state institutions, and said sections shall apply to said board of trustees so far as the same may be applicable.

Control and management of sanatorium.

SECTION 8. For the purpose of carrying out in part the provisions of this act, there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of thirty-five thousand (\$35,000) dollars.

Appropriation.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 21, 1904.
Approved May 4, 1904.

MYRON T. HERRICK,
Governor.
302G

[Senate Bill No. 40.]

AN ACT

To regulate the treatment and control of dependent, neglected and delinquent children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Definition—This act shall apply only to children under the age of sixteen (16) years, not now or hereafter, inmates of a state institution, or training school for boys, or industrial school for girls, or institution incorporated under the laws of the state, except as provided in sections 12 and 13 of this act. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship, or habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable person, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or

Definition.

other person in whose care it may be, is an unfit place for such a child; and any child under the age of ten (10) years who is found begging, or giving any public street entertainment by singing, playing any musical instrument, or otherwise. The words "delinquent child" shall include any child under the age of sixteen (16) years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly frequents a house of ill fame; or who is employed contrary to the provisions of section 6986-1 of the Revised Statutes, or who knowingly patronizes any policy shop. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or disposition of children coming within the meaning of this act.

Jurisdiction.

SECTION 2. Jurisdiction—The courts of common pleas, probate courts, and where established, the insolvency and superior courts of those counties in this state, wherein three or more judges of the common pleas court regularly hold court concurrently, shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this bill any person interested therein may demand a jury or the judge of his own motion may order a jury to try the case.

Judge of juvenile court.

SECTION 3. Judge of juvenile court—The judges of the common pleas court, in counties wherein three or more such judges regularly hold court concurrently, together with the probate judge and the judges of the superior and insolvency court, where such courts or either of them exists, shall, at such times as they may determine, designate one of their number, whose duty it shall be to hear and determine all cases coming under this act, in a tribunal having jurisdiction within said county, to be called the juvenile court. A special room, not to be used for the trial of either criminal matters where avoidable, shall be provided for the hearing of such cases, and the orders, judgments and findings of such court shall be entered in a separate book or books, known as the "juvenile record," which shall be kept by the clerk of said common pleas or other court whose judge may be so designated, who shall be clerk of such juvenile court.

Petition to the court.

SECTION 4. Petition to the court—Any person being a resident of this state having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction in the matter, a petition in writing, setting forth the facts verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

Summons.

SECTION 5. Summons—Upon the filing of the petition a summons shall issue requiring the person having custody or control of the child, or with whom the child may be, to appear immediately with the child at a place stated in the summons.

The parent or guardian, or if there be neither, then any relative of such child, and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. If the person summoned as herein provided, shall fail without reasonable cause to appear and abide the order of the court, or bring the child, he may be proceeded against as in case of contempt of court.

In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian, or the person having custody of the child, or with whom the child may be, or against the child itself.

On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case, the child may be retained in the possession of the person having the charge of the same, or may be kept in some suitable place provided by the city or county authorities.

SECTION 6. Probation officers—The juvenile court shall appoint or designate one or more discreet persons of good character, one to be known as the chief probation officer, who shall receive \$4.00 for each day or part of a day, and when in the discretion of the court it is found necessary, an interpreter as first assistant who shall receive \$3.00 for each day or part of a day he or she may be actually on duty, to serve as probation officers during the pleasure of the court. Said sum or sums, to cover salaries and necessary official expenses, and to be paid by the county treasurer out of any funds appropriated for the use of the judges of the common pleas, insolvency or probate courts, upon itemized vouchers sworn to by said officer, or officers, and certified to by the judge of the juvenile court: Provided, that said judge, if in his opinion the circumstances demand it, appoint a third discreet person to serve as probation officer, who shall receive the same compensation as the interpreter, and still other fit and willing persons, who shall serve without compensation from the court; and said paid probation officers shall be and are hereby vested with all the powers and authority of sheriff to make arrests and perform all other duties incident to their office.

Probation
officers.

SECTION 7. Dependent and neglected children—When any child under the age of sixteen (16) years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purposes of caring

Dependent
and delinquent
children.

or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it, for like purposes without charge.

Guardianship.

SECTION 8. Guardianship—In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such a child in a family home, with or without indenture, and be made party to any proceedings for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending, and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

**Disposition of
delinquent
children.**

SECTION 9. Disposition of delinquent children—In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer, and the further order of the court, or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit such child, if a boy, to a training school for boys, or, if a girl, to an industrial school for girls, or the court may commit the child to any institution within the county, incorporated under the laws of this state, that may care for delinquent children, or be provided by a city or county suitable for the care of such children, or to the boys' industrial school at Lancaster, or to any state institution which may be established for the care of delinquent boys, or if a girl over the age of nine (9) years, to the girls' industrial home at Delaware, or to any state institution which may be established for the care of delinquent girls. In no case shall a child be committed to such institution beyond the age of twenty-one (21). A child committed to such institution shall be subject to the control of the board of trustees thereof, and the said board shall have power to parole such child on such condition as it may prescribe; and on the recommendation of the board of trustees the superintendent

shall have power to discharge such child from custody, or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as hereinafter provided.

SECTION 10. Transfer from justices and judges of police courts—When [in] any county where a court is held, as provided in section three (3) of this act, a child under the age of sixteen (16) years is arrested without warrant, such child, instead of being taken before a justice of the peace, or judge of a police court, shall be taken directly before such juvenile court; or, if the child is taken before a justice of the peace, or judge of a police court, it shall be the duty of such justice of the peace or judge of a police court, to transfer the case to such juvenile court, and the officer having the child in charge shall take the child before that court, and in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition, as hereinafter provided. In any case the court shall require notice to be given and investigation to be made, as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

Transfer from
justices and
judges of po-
lice courts.

SECTION 11. Children under twelve years not to be committed to jail—No court or magistrate shall commit a child under twelve (12) years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station.

Children under
twelve years
not to be com-
mitted to jail.

When any child shall be sentenced by a juvenile court to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present.

SECTION 12. Agents of juvenile reformatories—It shall be the duty of the superintendent of the boys' industrial school at Lancaster, and of the girls' industrial home at Delaware, and the board of managers of any other institution to which juvenile delinquents may be committed by the courts, to maintain an agent of such institution, whose duty it shall be to examine the home of children paroled from such institution for the purpose of ascertaining and reporting to said court whether they are suitable homes; to assist children paroled or discharged from such institution in finding suitable employment, and to maintain a friendly supervision over paroled inmates during the continuance of their parole; such agents shall hold office subject to the pleasure of the board making the appointment and shall receive such compensation as such board may determine out of any funds appropriated for such institution applicable thereto.

Agents of
juvenile re-
formatories.

Supervision by
board of state
charities.

SECTION 13. Supervision by board of state charities—All associations receiving children under this act shall be subject to the same visitation inspection and supervision by the board of state charities as are the public charitable institutions of this state, and it shall be the duty of the said board to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the supervision of this act, and every such association shall annually, at such time as said board shall direct, make report thereto, showing its condition, management and competency adequately to care for such children as are, or may be committed to it, and such other facts as said board may require, and when said board is satisfied that such association is competent and has adequate facilities to care for such children, it shall issue to the association a certificate to that effect, which certificate shall continue in force for one (1) year, unless sooner revoked by said board, and no child shall be committed to any association which shall not have received such a certificate within fifteen (15) months next preceding the commitment. The court may, at any time, require from any association, receiving or desiring to receive children under the provision in this act, such reports, information and statements as the judge shall deem proper and necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court.

Incorporation
of associations.

SECTION 14. Incorporation of associations—No association whose objects may embrace the caring for dependent, neglected or delinquent children shall hereafter be incorporated unless the proposed articles of incorporation shall first have been submitted to the examination of the board of state charities, and the secretary of state shall not issue a certificate of incorporation unless there shall first be filed in his office the certificate of the secretary of the board of state charities that he has examined the said articles of incorporation, and that, in his judgment, the incorporators are reputable and respectable persons, that the proposed work is needed and the incorporation of such association is desirable and for the public good; amendments proposed to the articles of incorporation or association having as an object the care and disposal of dependent, neglected or delinquent children shall be submitted in like manner to the board of state charities, and the secretary of state shall not record such amendment or issue his certificate therefor unless there shall first be filed in his office the certificate of the secretary of the board of state charities that he has examined the said amendment, that the association in question is, in his judgment, performing in good faith the work undertaken by it, and that the said amendment is, in his judgment, a proper one, and for the public good.

Surrender of
dependent
children;
adoption.

SECTION 15. Surrender of dependent children—Adoption—It shall be lawful for the parents, parent, guard-

ian or other person or persons having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any law of this state which shall have been approved as herein provided for the purpose of aiding, caring for or placing in homes such children or for the surrender of such child to such association or institution, to be taken and cared for by such association or institution, or put into a family home.

Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney, or agent, to appear in any proceeding for the legal adoption of such child, and consent to its adoption, and the order of the court made upon such consent shall be binding upon the child and its parents, guardian or other person, the same as if such person were personally in court and consented thereto, whether made party to the proceeding or not.

SECTION 16. Foreign corporations—No association, which is incorporated under the laws of any other state than the state of Ohio, shall place any child in any family home within the boundaries of the state of Ohio, either with or without indenture or for adoption, unless the said association shall have furnished the state board of charities with such guaranty as it may require that no child shall be brought into the state of Ohio by such society, or its agents, having any contagious or incurable disease, or having any deformity, or being of feeble mind, or of vicious character, and that said association will promptly receive and remove from the state any child brought into the state of Ohio by its agents, which shall become a public charge within the period of five (5) years, after being brought into this state. Any person who shall receive to be placed in a home, or shall place in a home, any child in behalf of any association incorporated in any other state than the state of Ohio, which shall not have complied with the requirements of this act, shall be imprisoned in the county jail not more than thirty days, or fined not less than five dollars or more than one hundred dollars (\$100.00) or both, in the discretion of the court.

Foreign corporations.

SECTION 17. Religious preference—The court in committing children shall place them, so far as practicable, in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith to the parents of the said child.

Religious preference.

SECTION 18. Industrial and training schools not affected—Nothing in this act shall be construed to repeal any portion of the acts relating to the boys' industrial school at Lancaster or the girls' industrial home at Delaware.

Industrial and training schools not affected.

SECTION 19. Construction of the act—This act shall be liberally construed to the end that its purpose may be carried out to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be, that which

Construction of the act.

should be given by its parents, and in all cases where it can properly be done, the child be placed in an approved family home, and become a member of the family by legal adoption, or otherwise.

Support of
neglected, de-
pendent or de-
linquent child.

SECTION 21. In any case in which the court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceeding upon the parents of said child, or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents, to support the child or to contribute to its support, and if the court shall find such parent, or parents, able to support the child, or contribute thereto, the court may enter such order or decree, relating to such report [support] as the equity of the case demands, and if the decree of the court be that any such parent discipline and control a delinquent child, then the court may enforce such order by fine imposed on any such parent, not to exceed, for the first offense, twenty-five dollars (\$25.00) and for each subsequent offense one hundred dollars (\$100.00).

SECTION 22. Nothing herein shall be taken or held to repeal or affect the provisions of an act entitled "An act to establish a juvenile court in certain counties, and to regulate the control of delinquent and neglected children," passed April 18, 1902, (95 O. L. 785).

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved May 5, 1904.

MYRON T. HERRICK,

Governor.

303G

[House Bill No. 478.]

AN ACT

To amend sections 133 and 134 of the Revised Statutes of Ohio, relating to the purchase of paper.

Be it enacted by the General Assembly of the State of Ohio:

Secretary of
state:

SECTION 1. That sections 133 and 134 of the Revised Statutes of Ohio be and are hereby amended to read as follows:

Secretary of
state to give
notice for
sealed propos-
als to furnish
paper.

Sec. 133. When the amount and grades are ascertained and fixed as aforesaid, the secretary of state shall give notice weekly, for four consecutive weeks, in at least three daily newspapers printed, and of general circulation, in the state, immediately preceding the second Monday in September, setting forth that sealed proposals will be received at the office of the secretary of state until 12 o'clock, noon, on the second Monday of September following, for

furnishing such paper. It shall also be his duty to notify, by mail, the proprietors of the various paper mills and whole-sale dealers in paper in the state, that such proposals, as aforesaid, will be received at his office up to the time named; and the secretary, on application, shall furnish samples of the grades of paper to be bid for.

Sec. 134. Each proposal shall be accompanied with two sample sheets of each kind of paper bid on, of the approximate size required, with the character of each designated in printing or writing thereon; said samples to conform in quality to those furnished by the secretary of state and to form part of said proposal; and the successful bidders must furnish papers identical with the samples which accompany their bids. Each proposal shall contain the price bid on each sample of paper, and on the second Monday of September all proposals shall be opened by the commissioners of public printing, and the contract by them awarded to the lowest bidder, or bidders, for the various grades of paper; provided, that said commissioners shall have the right to reject any or all bids, if in their opinion the bids are above what would be the average market value of such paper or papers during the year for which the contract would be let; and in case any or all bids are rejected, the said commissioners of public printing may readvertise, as provided in section one hundred and thirty-three, for two weeks, for proposals as aforesaid, and said bids shall be opened the first Monday of October, and the contract or contracts awarded as hereinbefore provided; and in either case, should the commissioners of public printing be of the opinion that the bid or bids should be rejected in the interest of the state, the said commissioners are hereby authorized to purchase the various kinds of paper required at the lowest prices for which they can be obtained in the open market for that year. And it is hereby made the duty of the supervisor of public printing to weigh and examine all shipments of paper received by the state under contract, or purchase as herein provided, and to report in writing to the secretary of state whether the same is in accordance with the contract or contracts or the terms of the purchase of the same. A record of all transactions for the contracting, purchase and delivery of all papers named in section one hundred and thirty-three shall be kept by the secretary of state and preserved in his office.

What proposals to contain.

Commissioners may reject bids and readvertise.

May purchase in open market.

Supervisor to examine all paper received.

SECTION 2. That said original sections 133 and 134 are hereby repealed. **Repeals.**

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved May 6, 1904.

MYRON T. HERRICK,
Governor.
304G

AN ACT

To supplement an act entitled "An act to amend an act entitled 'An act to amend and supplement sections 2505a, and 2505b of the Revised Statutes of Ohio, as enacted May 1st, 1891, and amended April 18, 1892,' and passed April 22nd, 1896 (Volume 92 page 277)," passed May 10th, 1902, relating to the subject of consolidation of street railroad companies.

Be it enacted by the General Assembly of the State of Ohio:

Railroad com-
panies:

SECTION 1. That an act entitled "An act to amend an act entitled 'An act to amend and supplement sections 2505a and 2505b of the Revised Statutes of Ohio, as enacted May 1st, 1891, and as amended April 18th, 1892,' and passed April 22nd, 1896, (Vol. 92, page 277)," passed May 10th, 1902, is hereby supplemented as follows:

Consolidation
of electric rail-
road com-
panies.

Sec. 2. When the lines of a road of any street railroad company or railroad company, organized under the laws of this state, are constructed or in process of construction, and are or will be operated by electricity, and connect, or will or can be made to connect with the lines of another street railroad company or railroad company, formed by the consolidation of companies organized under the laws of this state, or by the consolidation of a company organized under the laws of this state and a company organized under the laws of an adjoining state, whose lines of road are constructed or in process of construction, and are or will be operated by electricity, so that cars may pass over such lines of roads continuously, without break or interruption, such street railroad or railroad company and such consolidated street railroad company or railroad company, may consolidate themselves into a single company in the same manner and with like effect as is provided for the consolidation of railroad companies in sections 3380a, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3390, 3391 and 3392 of the Revised Statutes of Ohio, and any and all acts amendatory and supplementary to said sections and each of them, all of which are adopted and made a part of this act; provided, however, that companies owning and operating competing lines of road shall not consolidate under this act, but the provisions herein as to companies owning competing lines of road, shall not apply to companies whose lines of road are nearly or wholly situate in any municipal corporation of this state.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved May 6, 1904.

MYRON T. HERRICK,

Governor.

305G

[House Bill No. 454.]

AN ACT

To supplement section 7 of an act passed by the general assembly of the state of Ohio, October 22, 1902, entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of the state of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," providing for a municipal department of purchase, construction and repair.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7 of an act passed October 22, 1902 (96 O. L., page 20), entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of the state of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith" be and the same is hereby supplemented by adding the following subsection number 30 to read as follows:

Municipal corporations;
general powers
of.

30. To establish and furnish the necessary equipment for a municipal department to be known as the department of purchase, construction and repair. Said department shall be under the management and control of the board of public service and through it when so established and said board managing the same shall be made all purchases of material, supplies, tools, machinery and equipment, together with all construction, alterations and repairs of every kind and thing in each of the departments of the municipality whether established by law or ordinance. No purchase, construction, alteration or repair shall be made except, either upon requisition by the board or officer at the head of the department for which the same is to be made or done or upon the order of council; nor shall any purchase, construction, alteration or repair for any of said departments be made or done except on authority of council and under the laws as to competitive bidding if the cost thereof exceeds five hundred dollars.

To establish
municipal de-
partment of
purchase, con-
struction and
repair.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.
Approved May 6, 1904.

MYRON T. HERRICK,
Governor.
306G

AN ACT

To provide for the listing, appraisement and equalization of the property of suburban and interurban electric railroad companies, for purpose of taxation.

Be it enacted by the General Assembly of the State of Ohio:

Board of appraisers and assessors for suburban or interurban electric railroad companies.

SECTION 1. The county auditors of the several counties in this state in which any suburban or interurban electric railroad company now has, or hereafter may have its track and roadway, or any part thereof, shall constitute a board of appraisers and assessors for such company; where any suburban or interurban electric railroad company having its road, or any part thereof, in one county only, the auditor of such county shall constitute such board.

President of board.

SECTION 2. The auditor of the county where such suburban or interurban electric railroad company, has its principal office, if such principal office is in this state, and if such principal office is not in this state, then the auditor of the county having the largest city or village upon the line of such road shall be the president of said board, whose duty it shall be to appoint the time and place for the meeting of such board and notify the proper county auditors of the same, at least five days before the time appointed for such meeting. In the absence or inability of the president the board shall appoint one of its members president pro tempore.

Quorum.

In all meetings of any such board, a majority of such county auditors shall constitute a quorum, and a majority of those present at any meeting having a quorum shall decide all questions submitted.

Secretary.

Each board shall appoint one of its number secretary, and full minutes of its proceedings shall be kept, which shall consist of a full and complete record of the votes of each member of said board.

Record of votes.

The valuation of the property shall be fixed only on motion made and duly seconded. On all such motions the yeas and nays shall be called, and each member's vote shall be recorded by the secretary.

Copy of minutes to be kept in auditor's office.

Immediately after the board has adjourned, the secretary shall make a complete record of all the transactions of the proceedings of the board, and set forth therein the names and official capacity of the officials of any such company present at such meeting. And a certified copy of such proceedings, signed by the president and secretary thereof, shall be forwarded at once to the county auditor of each county constituting a member of said board, and the same shall be recorded in a book kept in the county auditor's office, subject to the inspection of any person during office hours, and the certified copy shall alike be kept on file in said county auditor's office, and for like examination.

Board of valuation of electric railways

SECTION 3. It shall be the duty of each board to meet in the month of June in the present and each succeeding

year, at such time as the president thereof may appoint; and if no meeting be appointed by him before the second Tuesday in June, the several county auditors shall meet on that day, in the place where the proper road for which said auditors constitute the board, as aforesaid, has its principal office, or in the principal city or village upon the line of such road, as the case may be, and proceed to ascertain all the personal property, which shall be held to include roadbed, stations, power houses, poles, wires, and such other realty as is necessary to the daily running operations of the road, moneys, and credits of such company, and the undivided profits, reserved or contingent fund of said company, whether the same may be in moneys, credits, or in any manner invested, and the actual value thereof in money; and also locomotives, motors, and cars not belonging to the company, but hired for its use or run under its control on its road by a sleeping car company or other company; but as to such rolling stock not belonging to it, but under its control, the suburban or interurban electric railroad company, may return the same separate from its own property, and if so returned, the board shall fix the valuation of such property separated, but include the amount in the aggregate valuation. Such boards shall have power to require from the president, secretary, treasurer, receiver, and principal accounting officer of such road, a detailed statement, under oath, of all the items and particulars constituting such property, moneys, and credits, and the value thereof, and may examine the books and papers of such road, and any or all of its officers, receivers, servants, or agents, under oath, touching any matter relating to the same. Any county auditor present at such meeting is authorized and empowered to administer such oath. It shall be the duty of said board of appraisers and assessors to report annually, on or before the first Monday in the month of July to the auditor of state, the amount assessed upon each suburban or interurban electric railroad company, specifying the total sum and amount distributed to each county; which shall be by the auditor of state communicated to the general assembly, with its annual report, in tabular form.

SECTION 4. Any president, secretary, receiver, accounting officer, servant, or agent, of any suburban or interurban electric railroad company, having any portion of its roadway in this state, who shall refuse to attend before the proper board of appraisers and assessors when required so to do, or refuse to submit to the inspection of said board any books or papers of such suburban or interurban electric railroad company, in his possession, custody or control, or shall refuse to answer such questions as may be put to him by said boards on its order, touching the business, property, moneys, and credits, and the value thereof, of said suburban or interurban electric railroad company, shall be guilty of a misdemeanor, and, on conviction thereof, before any court of competent jurisdiction, shall be confined in the jail of the county not exceeding thirty days, and be

to meet annually in June; duties of board.

Penalty for officers, etc., refusing to comply with requirements of board; contempt of board; punishment.

ined in any sum not exceeding five hundred dollars and costs; and any president, secretary, receiver, accounting officer, servant, or agent, as aforesaid, so refusing, as aforesaid, shall be deemed guilty of contempt of such board, and may be confined by order of said board in the jail of the proper county until he shall comply with such order, and pay the costs of his imprisonment.

**Apportionment
of valuation
of railway
property.**

SECTION 5. The value of such property, moneys and credits, of any suburban or interurban electric railroad company, as found and determined by such board, shall be apportioned by such board among the several counties through which such road, or any part thereof, runs, so that to each county and to each city, village, township and district, or part thereof therein, shall be apportioned such part thereof as shall equalize the relative value of the real estate, structures, and stationary personal property of such company therein, in proportion to the whole value of the real estate, structures, and stationary personal property of such suburban or interurban electric railroad company in this state; and so that the rolling stock, main track, roadbed power houses, poles, wires, supplies, moneys and credits of such company shall be apportioned in the same proportion that the length of such road in such county bears to the entire length thereof in all said counties, or county, and to each city, village and district, or any part thereof therein, provided that if the line of any suburban or interurban electric railroad company is divided into separate divisions or branches, so much of the rolling stock of such company as belongs to, or is used solely upon any one of such divisions or branches shall be apportioned in the same manner to the county, or counties, and to each city, village, and district, or any part thereof therein, through which such branch or division runs, and the board shall certify to the county auditor of each county, and to each city, incorporated village, township and district, or any part thereof therein interested, the amount apportioned to his county, and the board shall make and forward a like certificate, together with all the reports of the various officers of said companies, and other papers and evidence which form the basis of their valuation, to the auditor of state, for the use of the state board of equalization of railroad property. It shall be the duty of the county auditor, upon receiving the certificate aforesaid, to apportion the amount therein stated, to the cities, villages, townships, districts, or parts thereof; but the auditor shall not put the same on the tax list until he shall have been advised of the action of said state authority, when the proper amounts shall be entered on the tax lists.

**Compensation
of members of
board.**

SECTION 6. Each county auditor shall be paid from the treasury of his county the sum of three dollars for each day's attendance as a member of any board aforesaid under this chapter, and five cents a mile going to and returning from its place of meeting.

SECTION 7. When any suburban or interurban electric railroad company, has part of its road in this state and part thereof in any other state or states, the proper board shall take the value of such property, moneys, and credits of such company so found and determined, as aforesaid, and divide it in the proportion the length of such road in this state bears to the whole length of such road, and determine the principal sum for the value of such road in this state accordingly, equalizing the relative value thereof in this state, as above provided.

How portion of value for this state found when part of road in another.

SECTION 8. The auditor of state, treasurer of state, commissioner of railroads and telegraphs and the attorney-general, shall also constitute a board of equalization of the values of the property of interurban and suburban electric railroad companies as the same are fixed by the county auditor or auditors; and for this purpose they shall meet at the office of the auditor of state, on the Wednesday after the tenth day of July annually, and examine the returns and documents sent to the auditor of state by the county auditor or boards of county auditors in this behalf.

Annual state board of equalization for electric railroads; how constituted and their meeting.

SECTION 9. The said board shall hear complaints and equalize said values by adding to the valuation of the property of such companies as have been undervalued, and deducting from the valuation of the property of such as have been overvalued; provided, that the board, in such equalization, shall not reduce the aggregate of the value of the property of such companies within the state below the amount returned by the county auditor or the board of county auditors.

Powers of board.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved May 6, 1904.

MYRON T. HERRICK,
Governor.
307G

[House Bill No. 138.]

AN ACT

To create the several townships in the state of Ohio, into separate road districts for macadamizing purposes, and to improve the roads and highways in said townships, and to authorize the trustees to levy and assess a tax for said improvements.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees in any township of any county in the state of Ohio, may by a majority of the qualified voters of said township at any general election create a separate road district for the improvement of public roads in said township.

Township trustees may create separate road district for improvement of township roads.

Submission
of question of
improvement
to voters; no-
tice, ballots,
etc.

SECTION 2. The qualified electors of such township, shall at said election have submitted the policy of the improvement of its public roads by general taxation, those voting in favor of such proposition shall have on their ballot; road improvement by taxation "yes," and those opposed road improvement by taxation "no." The township trustees shall cause notices of said election to be published in two newspapers in general circulation, if such are printed in said township, for at least ten days prior to said election, and shall also cause notices to be posted at the usual place of holding elections, at least ten days prior to such election, and in townships where there are no papers published, the trustees shall give notice of such election by posting notices at, at least six of the most prominent places in the township; fifteen days prior to said election.

Trustees
authorized to
purchase
stone, gravel,
etc.

SECTION 3. The trustees of any township which may, for the purpose of macadamizing and improving the roads and highways in said township so constitute and make a special and independent road district, by the provision of section 1 of this act, be and they are hereby authorized to purchase stone or gravel, or both, for the purpose of macadamizing, gravelling and improving the roads in any township.

May levy taxes
and issue or-
ders.

SECTION 4. For the purpose of macadamizing and improving the roads in said township the trustees are authorized to levy and assess upon all the taxable property in said township not more than six mills on the dollar in addition to that authorized by law for a period of six years, which shall be paid in money and collected as other taxes and the money so collected shall be under the control of the trustees of said township and the trustees of said township, may and are hereby authorized to issue township orders, bearing not more than six (6) per centum per annum, for the payment of macadamizing and improving the roads in said township, but the aggregate amount of said orders shall not exceed the amount to be derived by said levy of six mills on the dollar for the said period of six years, and the trustees may and are hereby authorized to issue said interest bearing orders for any work that may have been done under this act, and any or all orders shall be paid in the order in which they are issued and subject to the call of the trustees of said township for the payment thereof.

Road labor;
office of super-
visor of road
abolished.

SECTION 5. The township clerk shall furnish said trustees with a list of names of all persons in said township required by law to do road work and the amount of work required by each and all labor on said roads, shall be performed under the direction of the township trustees who shall have entire control of all roads and all improvements in said township not now by law under the control of the county commissioners, and the office of supervisor of roads shall be abolished in said township for a period of six years.

Preference in
expenditure of
funds for im-
proving roads.

SECTION 6. In expending the funds for improving the roads as provided in this act, the trustees shall give preference to those from whom the taxes are collected for road

purposes, and it shall be the duty of the trustees to see that this provision is observed so far as possible for the L. & T interest of the roads and of the taxpayers.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.
Approved May 6, 1904.

MYRON T. HERRICK,
Governor.
308G

[Senate Bill No. 276.]

AN ACT

Making an appropriation for repairs and permanent improvement of the banks of the St. Mary's reservoir, situate in the counties of Mercer and Auglaize.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and hereby is appropriated out of any money in the state treasury to the credit of the general revenue fund not otherwise appropriated, the sum of sixteen thousand five hundred dollars (\$16,500.00) for the repairs and permanent improvement of the banks of the St. Mary's reservoir in order that said banks may be put in such physical condition as to adequately restrain the impounded water in said reservoir for the safety of abutting property rights, and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the members of the board of public works and countersigned by the chief engineer, which shall set forth in itemized form the services rendered or material furnished with expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with.

Appropriation
for repairs and
permanent im-
provement of
banks of St.
Mary's
reservoir.

Said appropriation to be in addition to the amount heretofore appropriated to-wit: the sum of \$10,550.39 for repairing said reservoir.

SECTION 2. The money hereby appropriated shall not be available nor expended by the board of public works except with the concurrence of the state emergency board.

When money
available.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.
Approved May 6, 1904.

MYRON T. HERRICK,
Governor.
309G

AN ACT

To provide by appropriation for the improvement of the northern division of the Ohio and Erie canal.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation
for reconstruction
of northern division
of Ohio and
Erie canal.

SECTION 1. That as part of a continuing appropriation hereby begun, for the improvement of the Ohio and Erie canal, there is hereby appropriated from any moneys to the credit of the general revenue fund, not otherwise appropriated for the year 1904, the sum of seventy-five thousand (\$75,000) dollars and for the year 1905, the sum of one hundred and twenty-five thousand (\$125,000) dollars, the same to be expended by the state board of public works, under the direction of the state engineer, and substantially in accordance with plans and specifications prepared by said engineer, and now on file in the office of the state board of public works, for the reconstruction of the northern division of the Ohio and Erie canal, beginning at its northern terminus at Cleveland, Ohio.

When money
available.

Provided, that the appropriation herein made shall not be available until new leases have been made between the state of Ohio and the present water lessees along the said northern division of the Ohio and Erie canal, aggregating in rentals at least the sum of thirty thousand (\$30,000) dollars per annum. Such new water leases shall not be for a greater term than five years, and shall become operative and payable at [the] new rates, as agreed upon in such new leases, as soon as the state of Ohio shall have begun said improvement of the Ohio and Erie canal, which will substantially involve an expenditure of five hundred and seventy-three thousand, sixty-four and thirty-three one-hundredths dollars (\$573,064.33) in accordance with said plans and specifications prepared by the state engineer, and now on file in the office of the state board of public works. All new leases before becoming operative under the provisions of this act, shall be approved by the governor, the state board of public works and the chief engineer of the state board of public works.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

Approved May 6, 1904.

MYRON T. HERRICK,

Governor.

310G

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1904, and the first quarter of the fiscal year ending February 15, 1905.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

General ap-
propriations
for 1904 and
1905.

Adjutant General's Department.

Salary of new stenographer	\$720 00
Salary of new clerk	1,200 00
Salary of new clerk	1,200 00
Contingent expenses and inspections.....	2,250 00
Transportation indigent soldiers.....	250 00
Carpets, furniture and repairs.....	200 00

State House and Grounds.

Salaries of five firemen.....	3,120 00
Salaries of ten regular laborers.....	4,760 00
Salary of assistant custodian flag room.....	720 00
Extra labor and carpenter.....	1,375 00
Salaries of two elevator attendants	240 00
Electric current for light, and power for state house	10,000 00
Care and repair heating apparatus	1,000 00
Fuel for state house	5,000 00
Flags for state house	100 00
Material and repairs	2,500 00
Water rent	1,500 00
Paving basement floor state house	500 00
For repairs and machinery	15,000 00
To be expended under the direction of the governor, auditor of state and adjutant general.	

Ohio National Guard.

Transportation, subsistence, pay O. N. G., care military stores and freight, and incidental expenses of camp	155,700 00
Horse hire, forage, fuel, lumber, straw and medical supplies	10,800 00
Incidental expenses military companies	32,580.00
Uniforms, overcoats, blankets and equipments..	5,000 00
Tents and repairs	800 00
Repair and improvement state arsenal	2,000 00
Rent of armories	83,100 00

General ap-
propriations
for 1904 and
1905.

Improvement of state camp grounds	1,000 00
Maintenance U. S. S. Hawk, steam launches and small boats, at Cleveland	4,500 00
For bringing around Essex for use of the first battalion Ohio naval reserve, at Toledo.....	6,800 00
Maintenance of U. S. S. Essex, steam launches and small boats, at Toledo	2,500 00

Agricultural Experiment Station.

Expenses board of control	600 00
Bulletin publication	3,800 00
Special work in entomology, botany, chemistry and horticulture	8,000 00
Substations for field experiment	6,200 00
General repairs, labor and supplies	7,000 00
Special work in animal industry	2,000 00
Library equipment and care	250 00
General construction	2,000 00
Partial for southeastern Ohio test farm.....	5,000 00

State Board of Agriculture.

Encouragement of agriculture.....	23,000 00
Expenses Ohio state dairymen's association ...	2,000 00
For the suppression and prevention of diseases among live stock as provided in the Fraser law	3,000 00
Buildings and sewers on state fair grounds....	25,000 00

Ohio State Archeological and Historical Society.

Expenses of society	1,950 00
Field work, Fort Ancient and Serpent Mound..	1,250 00
Publications	2,800 00
One Hundred Year Book, Chillicothe Centennial	7,500 00

Attorney-General's Department.

Fees on collections	1,200 00
Salary of first assistant attorney-general.....	1,500 00
Salary of second assistant attorney-general....	2,500 00
Salary of chief clerk	1,500 00
Salary of clerk	300 00
Stenographic work	600 00
Salary of messenger	600 00
Books and furniture	500 00
Contingent expenses	2,125 00
Allowance to pay costs in cases brought by state	1,000 00
Special counsel	20,000 00

Auditor of State.

Salary of deputy auditor	2,500 00
Salary of clerk	200 00

Contingent expenses	3,000 00	General ap- propriations for 1904 and 1905.
Collecting excise tax	1,600 00	
Carpets, furniture and addition to office.....	3,250 00	
Traveling expenses	1,500 00	

State Board of Appraisers and Assessors.

Contingent expenses	700 00
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State Board of Arbitration.

For per diem and expenses of members	2,700 00
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Board of State Charities.

Expenses of board	650 00
Expenses of secretary	450 00
Contingent expenses	1,150 00
Office furniture and repairs	100 00

Board of Health.

Expenses of board	17,000 00
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Ohio State Horticultural Society.

For use of Ohio state horticultural society	1,000 00
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Board of Public Works.

Salaries of members	1,800 00
Salaries of members as superintendents of canals	4,500 00
Traveling expenses of members.....	1,350 00
Salaries of two engineers	3,700 00
Salary of secretary	1,125 00
Salary of clerk	525 00
Contingent expenses	500 00
For keeping in repair and for the improvement of the Miami and Erie canal, all its earn- and balances, and.....	
For dredging between Cincinnati and Dayton, and repairing banks	5,498 00
For repairing Middletown dam	6,000 00
For repairing Franklin three arch culvert.....	6,000 00
For repairing banks Lewistown reservoir.....	6,951 61
For repairing bank St. Marys	10,550 39
For the southern division of the Ohio canal, all of its earnings and balances and	15,000 00
For sluice gate in dam in city of Columbus	3,000 00
For maintenance and repairs of the northern division Ohio canal, Cleveland to Dresden, and the Walhonding canal, all of its earnings and balances, and.....	25,000 00

Canal Commission.

General ap-
propriations
for 1904 and
1905.

Salaries of commissioners	12,250 00
Expenses of commission	3,000 00
Surveying and monumenting	1,000 00

Commissioner of Common Schools.

Salary of clerk.....	120 00
Traveling expenses of commissioner.....	550 00
Per diem and expenses of state board of exam- iners	750 00
School book commission	250 00
Boxing and shipping	300 00
Distribution of school laws	200 00
Furniture and carpets	150 00
Contingent expenses	1,200 00

Commissioners of Public Printing.

For printing paper	30,000 00
For printing "Howe's Historical Collections of Ohio"	16,000 00

Commissioner of Railroads and Telegraphs.

From the moneys appropriated by the partial bill passed February 16, 1904, and approved February 18, 1904, the following shall be paid:

Salary of commissioner	\$3,000 00
Salary of chief clerk	2,400 00
Salary of chief inspector	1,200 00
Salary of statistical clerk	1,200 00
Salary of stenographer	1,200 00
Salary of deputy inspector	1,200 00

Commissioner of Soldiers' Claims.

Contingent expenses	550 00
Office furniture and repairs	160 00

Dairy and Food Commissioner.

Expense of commissioner	500 00
Expenses of two assistant commissioners.....	1,000 00
Salaries of two clerks	660 00
Inspection, analyses and publication.....	24,000 00
Contingent expenses	1,900 00
Salary of one chief inspector for the collection of the liquor tax under the Cain law.....	1,125 00
Salaries of five assistant inspectors at \$1,200.00 each	4,500 00
Traveling expenses of liquor tax inspectors....	5,000 00
Carpets, furniture and repairs	200 00

Library	200 00	General ap- propriations for 1904 and 1905.
Contingent expenses for liquor tax inspectors ..	1,000 00	

Examiner of Steam Engineers.

Contingent expenses	1,300 00
Traveling expenses	3,500 00
Additional office rent in Cleveland and Cincinnati ..	500 00
For card system	500 00

Executive Department.

Contingent expenses, including newspapers...	11,800 00
Furniture, carpets and repairs	500 00

Fish and Game Commission.

Expenses of commission	9,000 00
Maintaining patrol boat	5,000 00
State fish hatcheries	5,000 00

Bureau of Labor Statistics.

Salaries of five free public employment superintendents at \$1,500.00 each.....	1,500 00
Salaries of five clerks for free public employment offices at \$720.00 each.....	,600 00
Traveling expenses of commissioner.....	500 00
Contingent and traveling expenses	8,000 00
Furniture and carpets	300 00

Inspector of Mines.

Traveling expenses of chief inspector	450 00
Traveling expenses of seven district inspectors.	3,400 00
Salary of clerk	300 00
Salary of stenographer	180 00
Clerk hire	120 00
Contingent expenses	1,000 00
File case	300 00

Inspector of Workshops and Factories.

Salaries of district inspectors	5,000 00
Traveling expenses of chief inspector.....	350 00
Traveling expenses of thirteen district and two bakeshop inspectors	6,000 00
Salaries of two stenographers	120 00
Contingent expenses	1,100 00
Office rent in Cleveland and Cincinnati.....	300 00

Judiciary.

Salaries of judges	348,000 00
Expenses of common pleas judges.....	10,000 00

Legislature.

General ap-
propriations
for 1904 and
1905.

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and employes while the general assembly is in session, and the payment of the clerks of the house and senate after adjournment, as provided in sections 39, 43 and 45 of the Revised Statutes.....	15,000 00
For chief clerks of the senate and house of representatives, twelve hundred (\$1,200.00) dollars each for completing the record of the journals of the senate and house of representatives for the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses; but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant from time to time on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks to be credited for said sum as may be therein designated until the aforesaid sum of twelve hundred dollars to each shall be fully paid, twenty four hundred.....	2,400 00
Expenses of legislative committees.....	2,500 00
Contingent expenses of senate	5,000 00
Contingent expenses of house	6,000 00
Contingent expense of senate clerk.....	250 00
Contingent expense of house clerk.....	250 00
For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber, hall of the house, offices of the clerks of the senate and house, and committee rooms, after the adjournment of the general assembly in the spring of 1904, and taking care of the same until January, 1905, and for taking care of the bill books and other property of the members, as requested by them, one thousand two hundred (\$1,200.00) dollars, to be paid at the rate of one hundred and fifty dollars per month, on the warrant of the auditor of state	1,200 00
For employment of laborers by the said Frederick Blankner, in the performance of the foregoing duties at the rate of two dollars per day when by him necessarily employed, eight hundred (\$800.00) dollars, to be paid to said laborers on the warrant of the auditor of state	800 00
For contingent expenses for care both houses ..	900 00

Prosecution and Transportation of Convicts.

For prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys industrial school	100,000 00	General ap- propriations for 1904 and 1905.
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Department of State.

Salary of state supervisor and inspector of elec- tions	1,000 00
Salary of superintendent of book room.....	200 00
Salary of mailing clerk	1,040 00
Collecting corporation fees	700 00
Distribution of books	1,750 00
Contingent expenses	2,750 00
Furniture, carpets and repairs	700 00
Stationery	10,500 00

Ohio State Library.

Books and papers	2,750 00
Contingent expenses and extra labor	1,350 00
Salary of catalogue clerk.....	240 00
For traveling library	8,600 00
Carpets, furniture and repairs	1,000 00
Expenses of commission	425 00

Superintendent of Insurance.

Salary of bookkeeper.....	300 00
Salary of assistant examiner	1,200 00
Salary of assistant statistician	1,200 00
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance depart- ment officials	2,000 00
Contingent expenses	1,700 00
Furniture, carpets and repairs	400 00

Bureau of Building and Loan Associations.

Salaries of two additional examiners at \$1,800 each	3,600 00
Contingent expenses	750 00
Traveling expenses of inspector, deputy and clerks	3,520 00
Furniture, carpets and repairs	200 00

Supervisor of Public Printing.

State printing	45,000 00
State bindery	34,000 00
Contingent expenses	250 00
Furniture, carpets and repairs	400 00

Supreme Court and Law Library.

General ap-
propriations
for 1904 and
1905.

Salary of first deputy marshal.....	150 00
Salary of second deputy marshal.....	200 00
Salaries of three porters.....	360 00
Contingent expenses	1,300 00
Carpets, furniture and repairs for supreme court	350 00
Carpets, furniture and repairs for law library .	150 00
Books and legal publications for law library ...	2,500 00

Clerk of Supreme Court.

Salary of first deputy.....	350 00
Salary of second deputy.. ..	250 00
Contingent expenses	575 00

Treasurer of State.

Contingent expenses	1,300 00
Collecting auditor of state's drafts.....	2,800 00
Furniture, carpets and repairs	800 00

Ohio Penitentiary.

Current expenses	140,000 00
Salaries of officers	28,500 00
Salaries of guards	84,000 00
Manufacture of gas, electricity and improve- ment of lights	7,500 00
Rewards to discharged convicts	12,000 00
Ordinary repairs and improvements	15,000 00
Religious services and library	1,000 00
Expenses of execution	1,900 00
Sewerage and waterworks	1,200 00
Furniture and carpets	250 00

Ohio State Reformatory.

Salaries of officers	15,000 00
Salaries of guards	28,000 00
Current expenses	50,000 00
Rewards outgoing prisoners	2,500 00
Furniture and carpets	500 00
Ordinary repairs and improvements.....	5,000 00
Construction of cells	50,000 00
To widen, deepen and straighten Rocky Fork creek	5,000 00

Athens State Hospital.

Current expenses	100,000 00
Salaries of officers and trustees' expenses	6,000 00
Ordinary repairs and improvements	13,000 00
Furniture and carpets	2,000 00

Purchase of land	12,500 00	General ap- propriations for 1904 and 1905.
Paving and grading roads and walks	1,000 00	
For shops	7,500 00	
Furnishing new cottages and dining rooms ...	7,500 00	
Addition to electric light plant, building and steel smokestack	15,000 00	
For the purpose of construction of a cottage, the unexpended balance existing May 12, 1904, for current expenses, is hereby reap- propriated, and	5,000 00	

Cleveland State Hospital.

Current expenses	155,500 00
Salaries of officers and trustees' expenses.....	7,000 00
Ordinary repairs and improvements	18,000 00
Carpets, furniture and iron beds.....	3,500 00
Partial for hospital building and furnishings..	37,500 00
Additional lighting generator, engine and switchboard	5,000 00
Set of grates for boilers	2,000 00
New steam line	3,500 00
Laboratory	1,000 00

Columbus State Hospital.

Current expenses	215,000 00
Salaries of officers and trustees' expenses	7,500 00
Ordinary repairs and improvements	18,000 00
Furniture and carpets	2,000 00
Electric wiring and pipe covering, and repair- ing and enlarging heating system and boiler house	10,000 00
Cement floors, walks, driveway, grading, tiling and fence	5,000 00
Elevated tank	8,000 00
Completing and furnishing cottage and fire pro- tection	7,500 00
Tents [for camp] for tubercular patients.....	1,000 00
For therapeutic equipment	3,500 00

Dayton State Hospital.

Current expenses	108,000 00
Salaries of officers and trustees' expenses	6,200 00
Ordinary repairs and improvements	13,000 00
Power and heating plant and tunnels	105,000 00
One infirmary building	38,000 00
Furnishing two buildings	6,000 00

Longview Hospital, Carthage, Ohio.

Current expenses	150,000 00
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Massillon State Hospital.

General ap-
propriations
for 1904 and
1905.

Current expenses	171,500 00
Salaries of officers and trustees' expenses	7,440 00
Ordinary repairs and improvements	8,500 00
Pipe, pipe covering, electric wiring and fixtures	5,000 00
Tunnel, grading and cement walks	5,000 00
Furniture and carpets	1,000 00
Cow barn and swinery	4,000 00
Hydrotherapeutic apparatus, shower and needle baths	3,500 00
Additional boilers, dynamo and engine	20,000 00
Railroad switch	25,000 00
Porch for Nash cottage	2,000 00

Toledo State Hospital.

Current expenses	184,000 00
Salaries of officers and trustees' expenses	8,800 00
Ordinary repairs and improvements	18,500 00
Carpets, furniture and iron beds	8,000 00
Remodeling and enlarging cottages	16,000 00
Enlarging laundry, drying room and machinery	4,000 00
Porches for cottages and disturbed wards.....	2,500 00
Hog pens and fences	2,500 00
Residences for steward and superintendent of construction	8,000 00
Fans and motors	1,750 00

Boys' Industrial School.

Current expenses	70,000 00
Salaries of officers and teachers and trustees' expenses	40,000 00
Ordinary repairs and improvements.....	10,000 00
Rewards	800 00
Furniture and carpets	750 00
For constructing hospital, in addition to mate- rial and labor furnished by school	15,000 00
Dairy barn and dairy	5,000 00
Furnishing employes' quarters	3,000 00
Mechanical equipment and extension steam heating and electric lighting	4,000 00
Balance existing May 12, 1904, for school building including furnishing is hereby re- appropriated.	

Girls' Industrial Home.

Current expenses	25,500 00
Salaries of officers and teachers and trustees' and lady board of visitors' expenses	15,000 00
Ordinary repairs and improvements	5,000 00

Furniture and carpets	1,000 00	General ap- propriations for 1904 and 1905.
Steam heating and plumbing	5,000 00	
For toilet and bath rooms	1,500 00	
Extending industrial training	1,000 00	
New laundry and equipments	2,000 00	

Institution for the Education of the Blind.

Current expenses	51,000 00
Salaries of officers and teachers and trustees' expenses	15,300 00
Ordinary repairs and improvements	4,000 00
Oculist and oculist supplies	1,000 00
Furniture and carpets	1,500 00
Pianos and school apparatus	1,500 00
New boilers	7,000 00
Addition to gymnasium and equipments	10,000 00
Gravel driveways and repairing pavements ...	1,250 00

Institution for the Education of the Deaf and Dumb.

Current expenses	67,500 00
Salaries of officers and teachers and trustees' expenses	35,000 00
Ordinary repairs and improvements	9,500 00
Foreman, supplies and industrial pursuits ...	5,000 00
Furniture and carpets	1,000 00
Lumber and nails for boxes	1,000 00
Electric equipment, to change from steam power to electric motors	2,500 00
Water pipes and fittings for fire protection...	1,975 00

Institution for Feeble-Minded Youth.

Current expenses	135,000 00
Salaries of officers and teachers and trustees' expenses	16,500 00
Ordinary repairs and improvements	15,000 00
Boilers at custodial farm	15,000 00
Heating and plumbing	5,000 00
Sewage disposal	10,000 00
Electric light	15,000 00
Custodial buildings	15,000 00

All balances existing May 12, 1904, for institution for feeble-minded youth are hereby re-appropriated.

Provided that the exceptions to the Ohio penitentiary in section 782, Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.

Soldiers' and Sailors' Home.

Current expenses and clothing, balances existing May 12, 1904, amount received from the general government, and	70,000 00
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General ap-
propriations
for 1904 and
1905.

Salaries of officers and trustees' expenses.....	6,480 00
Ordinary repairs and improvements	7,000 00
Furniture and carpets	1,200 00
Grading roadways and grounds	500 00

Soldiers' and Sailors' Orphans' Home.

Current expenses	115,000 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses.....	27,820 00
Ordinary repairs and improvements	9,500 00
Industrial pursuits	7,000 00
Salaries of foremen and instructors	10,500 00
Net earnings	1,500 00
Religious services, amusements, library and pictures	1,500 00
Support of orphans outside	5,500 00
Furniture and carpets	2,000 00
For armory and amusement hall	16,000 00

Ohio Hospital for Epileptics.

Current expenses	142,000 00
Salaries of officers and trustees' expenses	9,000 00
Ordinary repairs and improvements	10,000 00
Furniture and carpets	1,500 00
Road construction and drainage	2,500 00
Completing male industrial building	5,000 00
For infirmary farm	10,000 00
For Wade property for hospital purposes	5,000 00

Miscellaneous.

There is hereby appropriated the sum of two thousand eight hundred dollars, the same to be expended as provided in an act passed April 12, 1889, entitled "An act to provide for the extension of the geological survey of the state,"	2,800 00
For co-operation with United States geological survey, in the preparation and completion of a contour topographic survey and map of this state, the sum of twenty-five thousand dollars	25,000 00
To be paid upon vouchers approved by the governor, and the governor is hereby authorized to see that such work is carried on as heretofore arranged with the representatives of the United States geological survey, and he may accept or reject the work executed by the United States geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.	

Balance existing May 12, 1904, in appropriation
for erection of McKinley memorial arch is
hereby reappropriated.

General ap-
propriations
for 1904 and
1905.

Miami University.

For maintenance of Miami university 25,000 00

Ohio State University.

For construction school of mines and ceramics
building 45,000 00
For construction of chemical building..... 50,000 00
For buildings and live stock for college of ag-
riculture, including land 50,000 00

Ohio University.

Debt on normal building 27,000 00
Equipment normal building 6,000 00
Ewing hall bonds 5,000 00
One year's interest on \$55,000.00 Ewing hall
bonds 2,750 00

*The Combined Normal and Industrial Department at Wil-
berforce University.*

Fire protection 3,500 00
Cement walks 1,000 00
Brick making, two years..... 3,000 00
Balance purchase on farm 4,800 00
Central heating, power and light plant 15,000 00
Current expenses, two years 8,000 00
William H. Gibson monument, in accordance
with house joint resolution No. 38..... 10,000 00
For maintenance of the home of the soldiers,
sailors, marines, their wives, mothers and
widows, and army nurses..... 12,500 00

SECTION 2. The moneys appropriated in the preced-
ing section shall not be in any way expended to pay li-
abilities or deficiencies existing prior to February 15, 1904,
nor shall they be used or paid out for purposes other than
those for which said sums are specifically appropriated
as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or
carpets, or for newspapers, shall be paid out of appropri-
ations made for contingent expenses; no bills for carpets
or furniture, or any expenses for officers attending state,
interstate or national associations of benevolent, penal or
educational institutions, shall be paid out of the appro-
priations made for current expenses of said institutions;
and no money herein appropriated shall be drawn except
on a requisition on the auditor of state, approved by the

General ap-
propriations
for 1904 and
1905.

head of each department or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase and the time of service; and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state shall be allowed from any amount herein appropriated.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved May 6, 1904, except as to certain items, to which objection is made in writing and filed herewith, with the secretary of state.

MYRON T. HERRICK,
Governor.
311G

MAY 6, 1904.

I file herewith in the office of the secretary of state house bill No. 505 and house bill No. 566, with my approval of both said bills, except as to certain items, which items are as follows, and are disapproved for the reasons hereinafter stated:

In house bill No. 505 the following items of appropriation are disapproved:

Ohio National Guard—

Horse feed, forage, fuel, lumber, straw, and medical supplies\$10,800

State Board of Agriculture—

Expenses Ohio State Dairymen's Association... 2,000

Ohio State Archæological and Historical Society—

One Hundred Year Book Chillicothe Centennial. 7,500

Athens State Hospital—

For the purpose of construction, the unexpended balance existing May 12, 1904, for current expenses is hereby reappropriated, and..... 5,000

Columbus State Hospital—

Electric wiring and pipe covering, repairing and enlarging heating system and boiler house.... 10,000

Cement floors, walks, driveways, grading, tiling and fences 5,000

Massillon State Hospital—

Cow barn and swinery 4,000

Toledo State Hospital—

Residence for steward and superintendent of construction 8,000

Remodeling and enlarging cottages 16,000

Combined Normal and Industrial Department of

General ap-
propriations
for 1904 and
1905.

Wilberforce University—	
Balance purchase on farm	4,800
Ohio State University—	
For buildings and live stock college of agriculture, including land	50,000
In house bill No. 566 the following items are disap- proved:	
Ohio National Guard—	
Horse feed, forage, fuel, lumber, straw, and med- ical supplies	\$10,800
Incidental expenses military companies	32,580
Agricultural Experiment Station—	
Special work in entomology, botany, chemistry and horticulture	8,000
Substations for field experiments.....	7,000
State Board of Agriculture—	
Expenses Ohio State Dairymen's Association..	2,000
Ohio State Horticultural Society—	
For use of Ohio State Horticultural Society	1,000
State Board of Public Works—	
The item of \$15,000 in line 147 of the engrossed bill, for the southern division of the Ohio canal	15,000
Legislature—	
For salaries of members of the general assembly to be paid in one installment on or before Feb- ruary 16, 1905	85,800
Ohio State Reformatory—	
Construction of cells	50,000
Athens State Hospital—	
Morgue	5,000
Dayton State Hospital—	
Morgue	5,000
Cleveland State Hospital—	
Laboratory	1,000
Ohio Hospital for Epileptics—	
Hospital and equipment for women	18,000
For laboratory and morgue, with equipment.....	20,000
Massillon State Hospital—	
Conservatory	3,200
Ohio State University—	
For buildings and live stock for college of agri- culture, including land	25,000
Ohio state sanatorium	35,000

The reasons which impel me to withhold the executive approval of the foregoing items in the general appropriation bills numbered above are that the financial conditions of the state do not, in my judgment, justify these expenditures. The total amount of the appropriations in the several items hereby disapproved is \$557,480, including \$80,000 for a governor's residence, as authorized by an act of the general assembly heretofore vetoed by me and including \$30,000, unexpended balance to the credit of the Athens state hospital. On April 20, 1904, while the 76th

General ap-
propriations
for 1904 and
1905.

general assembly was in session I transmitted to the house and senate a special message, calling attention to the unusually large sums contained in the several appropriation bills at that time under consideration. The total amount then proposed to be appropriated out of the general revenue fund of the state for all purposes was \$12,709,362.19. This special message as to the moneys in the treasury and the sources of revenue for the ensuing biennial period was based upon figures carefully and accurately ascertained, and represented a correct account of the financial condition and resources of the state. That the general assembly appreciated the situation, and disclosed an inclination to respond to the suggestions then made, is shown by the fact that the total appropriations as finally passed were reduced to \$12,190,466.94, a substantial answer to the demand for economy in the sum of more than \$500,000; but the total appropriations for all purposes are, in my judgment, still too large, in view of the present revenues of the state and the rights of those who bear the burdens of taxation to a state government economically administered; and for these reasons I have deemed it my duty to disapprove the items above set forth as representing expenditures which could most properly be spared or postponed.

The records in the office of the auditor of state show that there is now in the treasury \$2,748,926.00, and that there is yet to be drawn from that sum, on account of appropriations made by the 75th general assembly and lapsing on May 12, 1904, about \$200,000, leaving an unexpended balance of \$2,548,926.00. It is estimated that there will come into the state treasury to the credit of the general revenue fund for the ensuing two years ending May 6, 1906, \$10,200,000 from the various sources of revenue contributing to such fund. This means there will be available, provided the several sources of the state's revenues realize the amounts shown in former years, for the expenditures authorized by the 76th general assembly, \$12,748,926. If all the items of appropriations in the two accompanying bills have received the executive approval the entire revenues of the state, less a little more than \$500,000, would be expended. Considering the large sums in the matter of resources and expenditures in which the state is dealing, and the uncertainties and emergencies of the future, it does not seem to me a safe policy to risk a deficit by so small a margin.

It may be suggested that the new inheritance tax just approved, and sustained by the supreme court, will yield a sufficient additional revenue to justify the increased appropriations proposed in these two measures; but it is to be remembered that the income from the inheritance tax will not be immediately available, since estates subject to this tax will have 18 months in which to pay the tax, and, further, that the amount of revenue to the state to be derived from this source is not yet ascertained, and is, to

some extent, problematical. However, it is hoped that this new act will ultimately realize a substantial increase in the state's annual revenues to the extent of several hundred thousand dollars at least, and it is because of this expected increase that I have refrained from disapproving other and further items in the appropriation bills which would otherwise have been necessary.

It is unavoidable, and, indeed, it is a matter of congratulation, that the state's growth and development in population, in wealth, and in all that goes to make for the comfort and progress of her citizens necessitates increasing appropriations to care for her proper needs, but all proper demands based upon these reasons would seem to be sufficiently recognized in the fact that whereas the 75th general assembly appropriated \$11,094,000 for all purposes, the appropriations by the 76th general assembly, exclusive of those which have been disapproved, still aggregate \$11,677,986.94. In other words, the appropriations passed by the present general assembly and approved exceed those passed by its predecessor by nearly \$600,000. This increase is, in my judgment, justifiable in view of the increasing demands of the state.

As heretofore stated, the total amount proposed during the present session to be appropriated was \$12,709,362.19. Upon this amount a reduction was made by the general assembly during the closing days of the session of \$518,895.25, and a further reduction is now made by the veto of the items above indicated of \$557,480.00, a total saving of \$1,076,575.25.

MYRON T. HERRICK,
Governor.

[House Bill No. 566.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1905, and the first quarter of the fiscal year ending February 15, 1906.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, subject to draft on and after February 16, 1905, to-wit:

General
appropriations for 1905
and 1906.

Adjutant General's Department.

Salary of adjutant general.....	\$2,000 00
Salary of assistant adjutant general.....	1,500 00
Salary of assistant quartermaster general.....	1,500 00
Salary of chief clerk	1,400 00
Salaries of seven clerks at \$1,200.00 each.....	8,400 00

General
appropriations for 1905
and 1906.

Salary of superintendent of state arsenal.....	1,400 00
Salary of stenographer.....	720 00
Salary of stenographer.....	720 00
Contingent expenses and inspections.....	3,000 00
Transportation indigent soldiers.....	200 00
Furniture and repairs.....	150 00

State House and Grounds.

Salary of superintendent of laborers.....	900 00
Salary of engineer.....	1,000 00
Salaries of five firemen.....	4,120 00
Salaries of two visitors' attendants.....	1,440 00
Salary of custodian of flag room.....	900 00
Salary of custodian of flag room.....	900 00
Salaries of two day policemen.....	1,440 00
Salaries of two night policemen.....	1,600 00
Salaries of ten regular laborers.....	6,260 00
Salaries of two elevator attendants.....	1,440 00
Extra labor and carpenter.....	2,000 00
Electric current for light, and power for state house	10,000 00
Care and repair heating apparatus.....	2,000 00
Fuel for state house	5,000 00
Flags for state house	100 00
Material and repairs.....	1,500 00
Water rent.....	1,500 00

Ohio National Guard.

Transportation, subsistence, pay O. N. G., care military stores and freight, and incidental expenses of camp.....	155,700 00
Horse hire, forage, fuel, lumber, straw and medical supplies.....	10,800 00
Incidental expenses military companies.....	32,580 00
Uniforms, overcoats, blankets and equipments..	5,000 00
Tents and repairs.....	400 00
Rent of armories.....	83,100 00
Improvement of state camp ground.....	1,000 00
Maintenance U. S. S. Hawk, steam launches and small boats, at Cleveland.....	2,500 00
Maintenance U. S. S. Essex, steam launches and small boats, at Toledo.....	2,500 00

Agricultural Experiment Station.

Expenses board of control.....	800 00
Bulletin publication	3,800 00
Special work in entomology, botany, chemistry and horticulture.....	8,000 00
Substations for field experiment.....	7,000 00
General repairs, labor and supplies.....	7,500 00
Special work in animal industry.....	2,500 00

Library equipment and care.....	250 00	General appropriations for and 1906.
General construction	2,000 00	
Balance for southeastern Ohio test farm.....	10,000 00	

State Board of Agriculture.

Encouragement of agriculture.....	26,000 00
Expenses Ohio State Dairymen's Association ..	2,000 00
For the suppression and prevention of diseases among live stock as provided in the Fraser law	3,000 00
Buildings and sewers on state fair grounds...	25,000 00

Ohio State Archaeological and Historical Society.

Expenses of society.....	2,700 00
Field work, Fort Ancient and Serpent Mound..	2,000 00
Publications	2,800 00
For reprinting volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the society's annual publi- cations; each member of the seventy-sixth general assembly to be provided with ten copies of each volume, all said volumes to be boxed and delivered under the direction and at the expense of the society.....	7,500 00

Attorney-General's Department.

Salary of attorney-general.....	1,500 00
Fees on collection	1,500 00
Salary of first assistant attorney-general.. ..	3,000 00
Salary of second assistant attorney-general....	2,500 00
Salary of chief clerk	1,500 00
Salary of stenographer.....	1,200 00
Salary of stenographer.....	1,200 00
Stenographic work.....	600 00
Salary of messenger.....	600 00
Books and furniture.....	500 00
Contingent expenses	2,500 00
Allowance to pay costs in cases brought by state	1,000 00
Special counsel.....	21,000 00

Auditor of State.

Salary of auditor of state.....	3,000 00
Salary of deputy auditor.....	3,000 00
Salary of chief clerk.....	2,400 00
Salary of liquor tax deputy.....	2,000 00
Salary of inspector of institutions.....	2,000 00
Salary of railroad and bank clerk.....	1,950 00
Salary of bookkeeper.....	1,950 00
Salary of land clerk.....	1,500 00
Salaries of two excise clerks.....	2,850 00
Salaries of two transcribing clerks.....	2,850 00

General
appropriations for 1905
and 1906.

Salary of canal and trust fund clerk.....	1,400 00
Salary of statistical clerk.....	1,350 00
Salary of clerk.....	1,200 00
Salary of correspondence clerk.....	800 00
Contingent expenses.....	3,750 00
Collecting excise tax.....	1,600 00
Carpets and furniture.....	200 00
Traveling expenses.....	2,000 00
Steel file case.....	1,175 00

State Board of Appraisers and Assessors.

Salaries of members at \$1,500.00 each	6,000 00
Contingent expenses	1,200 00

State Board of Arbitration.

For per diem and expenses of members.....	4,000 00
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Board of State Charities.

Salary of secretary.....	1,800 00
Salary of clerk.....	900 00
Salary of stenographer.....	600 00
Salary of janitor.....	240 00
Expenses of board.....	900 00
Expenses of secretary.....	600 00
Contingent expenses	1,500 00

Board of Health.

Expenses of board.....	20,000 00
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Ohio State Horticultural Society.

For use of Ohio State Horticultural Society...	11,000 00
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Board of Pardons.

Salaries of members.....	3,000 00
Salary of secretary.....	300 00
Expenses of board.....	800 00

Board of Public Works.

Salaries of members.....	2,400 00
Salaries of members as superintendents of canals	4,500 00
Traveling expenses of members.....	1,800 00
Salaries of two engineers	4,600 00
Salary of secretary	1,500 00
Salary of clerk.....	700 00
Contingent expenses	625 00

General
appropriations for 1905
and 1906.

For keeping in repair and for the improvement of the Miami and Erie canal, all of its earnings and balances, and	
For repairing locks between Cincinnati and Dayton	7,000 00
For dredging between Cincinnati and Dayton and repairing banks.....	9,502 00
For repairing aqueducts between Cincinnati and Dayton	5,000 00
For rebuilding one one hundred and twenty foot span of Miami river aqueduct and repairing two spans of eighty feet each, situate eight miles above Dayton.....	10,000 00
For repairing Mad river aqueduct at Dayton..	5,000 00
For rebuilding wooden dam across Miami river above Piqua	1,498 00
For repairing locks at Dayton and Toledo.....	5,000 00
For the southern division of the Ohio canal, all of its earnings and balances and.....	15,000 00
For maintenance and repairs of the northern division Ohio canal, Cleveland to Dresden, and the Walhonding canal, all of its earnings and balances, and.....	25,000 00

Canal Commission.

Salaries of commissioners	3,000 00
Expenses of commission.....	6,700 00
Surveying and monumenting.....	1,000 00

Commissioner of Common Schools.

Salary of commissioner.....	2,000 00
Salary of chief clerk.....	1,750 00
Salary of statistical clerk.....	1,500 00
Salary of correspondence clerk	720 00
Salary of clerk.....	720 00
Traveling expenses of commissioner.....	750 00
Per diem and expenses of state board of examiners	750 00
School book commission.....	250 00
Boxing and shipping.....	300 00
Distribution of school laws.....	100 00
Furniture and carpets.....	100 00
Contingent expenses	1,400 00

Commissioners of Public Printing.

For printing paper.....	30,000 00
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Commissioner of Railroads and Telegraphs.

Balances and receipts.

From such amounts so appropriated the following salaries shall be paid:

General
appropriations for 1905
and 1906.

Salary of commissioner	3,000
Salary of chief clerk.....	2,400
Salary of statistical clerk	1,200
Salary of chief inspector.....	1,200
Salary of deputy inspector.....	1,200
Salary of stenographer.....	1,200

Commissioner of Soldiers' Claims.

Salary of commissioner.....	1,800 00
Salary of clerk.....	720 00
Salary of clerk.....	720 00
Salary of recording clerk.....	300 00
Contingent expenses	750 00

Dairy and Food Commissioner.

Salary of commissioner.....	3,500 00
Salaries of two assistant commissioners, at \$1,000 each.....	2,000 00
Expense of commissioner.....	750 00
Expenses of two assistant commissioners.....	1,400 00
Salary of chief clerk	1,200 00
Salaries of two clerks.....	2,100 00
Inspection, analyses and publication.....	28,000 00
Contingent expenses.....	2,200 00
Salaries of six inspectors for the collection of the liquor tax under the Cain law, at \$1,300 each	7,800 00
Traveling expenses of liquor tax inspectors....	6,250 00
Contingent expenses for liquor tax inspectors..	1,200 00

Examiner of Steam Engineers.

Salary of chief examiner.....	1,800 00
Salaries of eight district examiners, at \$1,200.00 each	9,600 00
Salary of clerk.....	1,000 00
Contingent expenses	3,000 00
Traveling expenses	7,000 00
Office rent in Cleveland and Cincinnati.....	500 00

Executive Department.

Salary of governor.....	8,000 00
Salary of lieutenant governor.....	1,500 00
Salary of secretary to the governor.....	800 00
Salary of executive clerk.....	1,800 00
Salary of commission clerk.....	1,500 00
Salary of correspondence clerk.....	1,500 00
Contingent expenses, including newspapers....	2,400 00

Fish and Game Commission.

Expenses of commission.....	11,000 00	General appropriations for 1905 and 1906.
Maintaining patrol boat.....	5,000 00	
State fish hatcheries.....	5,000 00	
Improving and dredging Buckeye Lake park...	6,500 00	

State Highway Department.

Salary of highway commissioner.....	2,500 00
Traveling expenses of commissioner.....	500 00
Salary of assistant highway commissioner....	1,500 00
Traveling expenses of assistant commissioner..	500 00
Salary of chief clerk.....	1,000 00
Salary of stenographer.....	800 00
Contingent expenses.....	600 00
For state aid in road building.....	10,000 00

Bureau of Labor Statistics.

Salary of commissioner.....	2,000 00
Traveling expenses of commissioner.....	700 00
Salary of chief clerk.....	1,300 00
Salary of stenographer.....	900 00
Salary of clerk.....	720 00
Salary of clerk.....	720 00
Salary of clerk.....	600 00
Contingent and traveling expenses.....	10,000 00
Salaries of five free public employment superintendents, at \$1,500.00 each.....	7,500 00
Salaries of five clerks for free public employment offices, at \$720.00 each.....	3,600 00

Inspector of Mines.

Salary of chief inspector.....	2,000 00
Salaries of seven district inspectors, at \$1,200.00 each	8,400 00
Traveling expenses of chief inspector.....	600 00
Traveling expenses of seven district inspectors.	4,200 00
Salary of chief clerk.....	1,200 00
Salary of stenographer	900 00
Contingent expenses	1,300 00
Clerk hire.....	120 00

Inspector of Workshops and Factories.

Salary of chief inspector.....	2,000 00
Traveling expenses of chief inspector.....	500 00
Salaries of twelve district and two bakeshop inspectors, at \$1,200.00 each.....	16,800 00
Traveling expenses of thirteen district and two bakeshop inspectors.....	7,500 00
Salary of high explosive inspector.....	2,000 00

General
appropriations for
1905
and 1906.

Salary of chief clerk.....	1,800 00
Salary of clerk	1,200 00
Salaries of two stenographers.....	1,680 00
Contingent expenses	1,400 00
Office rent in Cleveland and Cincinnati.....	300 00
Carpets, furniture and repairs.....	100 00

Judiciary.

Salaries of judges	398,000 00
Expenses of common pleas judges.....	15,000 00

Prosecution Ohio War Claims Against General Government.

In the matter of the prosecution of the war claims, and the military bounty land claims of the state against the United States, the commission named in the act of the legislature passed April 16, 1883, and acts amendatory thereto, shall appoint an agent to prosecute such claims, and the compensation allowed such agent shall be a percentage of the money actually collected and paid to the state, not to exceed 20 per centum, and no other compensation or expense whatsoever shall be allowed such agent, or borne by the state of Ohio in the settlement of the claims referred to.

Legislature.

For salaries of members of general assembly, to be paid in one installment on or after Feb- ruary 16, 1905	85,800 00
Expenses of legislative committees.....	1,000 00
For the clerks of the senate and house of repre- sentatives twenty-five hundred (\$2,500.00) dol- lars, each, which may be paid to them in semi- monthly installments on vouchers drawn and properly receipted by each; and this amount shall be in lieu of all compensation or allow- ances provided for in section 41 and 43 of the Revised Statutes.....	5,000 00
For the payment of the sergeant-at-arms of the house	500 00
For the payment of the sergeant-at-arms of the senate	500 00
To be paid said sergeants-at-arms on approval of the auditor of state, in four equal monthly installments, beginning February 15, 1905.	
Contingent expense of senate clerk.....	250 00
Contingent expense of house clerk.....	250 00
Contingent expense for care of both houses....	2,500 00
For Frederick Blankner, third assistant sergeant- at-arms of the house, for taking charge of senate chamber, hall of the house, offices of the clerks of the house and senate, and committee	

rooms during the year 1905, and for taking care of the bill books and other property of the members, as requested by them, eighteen hundred (\$1,800.00) dollars, to be paid to him in semi-monthly installments on the warrant of the auditor of state. For employment of laborers by the said Frederick Blankner in the performance of the foregoing duties, at the rate of two dollars per day when by him necessarily employed, one thousand (\$1,000.00) dollars, to be paid to said laborers on the warrant of the auditor of state, twenty-eight hundred dollars.....	2,800 00
For raising floor, building panel, wainscoting, including brass rails, steps and one hundred and thirty desks and chairs, and furniture for the smoking room.....	10,000 00
To be expended under the direction of a committee to be composed of the speaker of the house, clerk of the house, chairman of the house finance committee, auditor of state, third assistant sergeant-at-arms, and one member of the minority party, to be appointed by the speaker.	
Remodeling senate chamber and committee rooms, in accordance with senate resolution number 42	11,000 00
To be expended under the direction of a committee appointed under said resolution, and the auditor of state.	

Prosecution and Transportation of Convicts.

For prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys' industrial school	115,000 00
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Department of State.

Salary of secretary of state.....	2,000 00
Salary of state supervisor of elections.....	1,000 00
Salary of state supervisor and inspector of elections	1,000 00
Salary of chief clerk.....	2,400 00
Salary of statistical clerk.....	1,500 00
Salary of stationery clerk.....	1,500 00
Salary of assistant statistical clerk.....	1,350 00
Salary of proofreading clerk.....	1,350 00
Salary of corporation clerk.....	1,350 00
Salary of assistant corporation clerk	1,350 00
Salary of recording clerk.....	1,350 00
Salary of assistant recording clerk.....	1,200 00
Salary of stenographer	1,350 00
Salary of corporation fee clerk.....	1,350 00

General
appropriations for 1905
and 1906.

Salary of assistant corporation fee clerk.....	1,350 00
Salary of corporation stenographer.....	1,200 00
Salary of superintendent of book room.....	1,200 00
Salary of mailing clerk.....	1,200 00
Collecting corporation fees.....	700 00
Distribution of books.....	2,500 00
Contingent expenses.....	3,500 00
Furniture, carpets and repairs.....	300 00
Stationery	12,000 00

Ohio State Library.

Salary of librarian.....	1,500 00
Salary for secretary state board of library commissioners	500 00
Salary for four library assistants.....	2,880 00
Salary of assistant librarian.....	1,200 00
Salary of stenographer.....	720 00
Salary of janitor.....	900 00
Salary of document clerk.....	960 00
Books and papers.....	3,500 00
Contingent expenses and extra labor.....	1,800 00
For traveling library.....	8,600 00
Expenses of commission.....	500 00

Insurance Department.

Salary of superintendent	3,000 00
Salary of deputy superintendent.....	2,400 00
Salary of actuary.....	2,400 00
Salary of examining clerk.....	1,800 00
Salary of statistical clerk.....	1,800 00
Salary of bookkeeper.....	1,800 00
Salary of correspondence clerk.....	1,350 00
Salary of first assistant actuary.....	1,300 00
Salary of second assistant actuary.....	1,300 00
Salary of assistant examiner	1,200 00
Salary of assistant statistician.....	1,200 00
Salary of license clerk.....	1,000 00
Salary of mailing clerk.....	1,000 00
Salary of janitor.....	600 00
Contingent expenses	2,200 00
Salaries of extra clerks.....	1,900 00
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	2,900 00
All fees collected by the superintendent of insurance from companies under his supervision shall be turned into the state treasury upon the warrant of the auditor of state.	

Bureau of Building and Loan Associations.

Salary of inspector.....	1,000 00
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Salary of deputy inspector and supervisor bond investment companies	2,400 00	General appropriations for and 1906.	1905
Salaries of six examiners at \$1,800.00 each....	10,800 00		
Salary of statistical clerk	1,350 00		
Salary of chief clerk.....	1,200 00		
Salary of clerk.....	1,200 00		
Salary of mailing clerk.....	200 00		
Salary of janitor.....	300 00		
Contingent expenses	1,000 00		
Traveling expenses of inspector, deputy and clerks	4,520 00		
Salaries of extra clerks.....	300 00		

Supervisor of Public Printing.

Salary of supervisor.....	2,000 00
State printing	40,000 00
State bindery	41,500 00
Contingent expenses	450 00
Machinery	1,000 00

Supreme Court and Law Library.

Salary of marshal, who shall perform the duties of librarian and cataloguing	2,500 00
Salary of assistant librarian and bookkeeper...	1,700 00
Salary of first deputy marshal	1,350 00
Salary of second deputy marshal.....	1,200 00
Salary of third deputy marshal.....	1,000 00
Salary of assistant librarian.....	1,000 00
Salary of stenographer, first division.....	1,200 00
Salary of stenographer, second division.....	1,000 00
Salary of messenger.....	1,000 00
Salaries of three porters at \$720.00 each.....	2,160 00
Contingent expenses and furnishings.....	2,350 00
Books and legal publications for law library..	3,000 00

Clerk of Supreme Court.

Salary of clerk.....	1,500 00
Salary of first deputy.....	1,800 00
Salary of second deputy.....	1,500 00
Salary of correspondence clerk.....	1,000 00
Salary of messenger.....	700 00
Contingent expenses	700 00

Reporter of Supreme Court.

Salary of reporter.....	1,500 00
Contingent expenses	1,200 00

Treasurer of State.

Salary of treasurer of state.....	3,000 00
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General
appropriations for 1905
and 1906.

Salary of cashier.....	2,400 00
Salaries of two bookkeepers at \$1,800.00 each..	3,600 00
Salaries of two night watchmen.....	1,800 00
Salary of correspondence clerk.....	720 00
Contingent expenses	1,600 00
Collecting auditor of state's drafts.....	2,800 00
Furniture, carpets and repairs.....	150 00

Ohio Penitentiary.

Current expenses	160,000 00
Per diem of managers	5,000 00
Salaries of officers	33,160 00
Salaries of guards	100,000 00
Manufacture of gas, electricity and improve- ment of lights	10,000 00
Rewards to discharged convicts	12,000 00
Ordinary repairs and improvements	15,000 00
Expenses of execution	1,900 00
Religious services and library	1,000 00
Sewerage and waterworks	1,500 00
Furniture and carpets	250 00

Ohio State Reformatory.

Current expenses	65,000 00
Salaries of managers	3,000 00
Salaries of officers	22,500 00
Salaries of guards	35,000 00
Rewards outgoing prisoners	3,000 00
Ordinary repairs and improvements	8,000 00
Construction of cells.....	50,000 00
Furniture and carpets	500 00
Barn	5,000 00

Athens State Hospital.

Current expenses	130,000 00
Salaries of officers and trustees' expenses	9,000 00
Ordinary repairs and improvements	15,000 00
Furniture and carpets	2,000 00
Paving and grading roads and walks	1,000 00
Morgue	5,000 00

Cleveland State Hospital.

Current expenses	170,500 00
Salaries of officers and trustees' expenses	9,300 00
Ordinary repairs and improvements	15,000 00
Furniture, carpets and iron beds	3,000 00
Cold storage plant and machinery	7,500 00
Completing hospital building and furnishings.	37,500 00

Columbus State Hospital.

Current expenses	215,000 00	General appropriations for 1905 and 1906.
Salaries of officers and trustees' expenses	10,600 00	
Ordinary repairs and improvements	21,000 00	
Furniture and carpets	2,000 00	
Remodeling strong rooms, lavatory and closets and reflooring wards	5,000 00	
Rebuilding sewer system	5,000 00	

Dayton State Hospital.

Current expenses	146,000 00
Salaries of officers and trustees' expenses	9,000 00
Ordinary repairs and improvements	9,000 00
Carpets, furniture, beds and bedding	1,000 00
One hospital building	30,000 00
Furnishing one hospital	2,000 00
Laundry building and additional machinery...	10,000 00
Barn	6,000 00
Morgue	5,000 00

Longview Hospital, Carthage, Ohio.

Current expenses	180,000 00
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Massillon State Hospital.

Current expenses	200,000 00
Salaries of officers and trustees' expenses	10,440 00
Ordinary repairs and improvements	10,000 00
Tunnel, grading and cement walks	5,000 00
Furniture and carpets	1,500 00
Conservatory	3,200 00
Pipe, pipe covering, electric wiring and fixtures	5,000 00
Construction one cottage and furnishing	28,000 00

Toledo State Hospital.

Current expenses	220,000 00
Salaries of officers and trustees' expenses	10,800 00
Ordinary repairs and improvements	20,000 00
Furniture, carpets and iron beds	5,000 00
Porches for cottages and disturbed wards	2,500 00
Fans and motors	1,750 00
Roads and walks	2,000 00
Remodeling and enlarging cottages	25,000 00
Enlarging laundry, drying room and machinery	3,000 00
Remodeling kitchen	4,500 00
Increasing water supply	3,000 00

Boys' Industrial School.

Current expenses	100,000 00
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General
appropriations for 1905
and 1906.

Salaries of officers and teachers and trustees' expenses	29,000 00
Ordinary repairs and improvements	8,000 00
Rewards	1,000 00
Furniture and carpets	750 00
Dairy barn and dairy	7,000 00
Machinery and equipment	1,500 00
Cottage	20,000 00

Girls' Industrial Home.

Current expenses	28,000 00
Salaries of officers and teachers and trustees' and lady board of visitors' expenses	16,000 00
Ordinary repairs and improvements	4,000 00
Furniture and carpets	600 00
Rebuilding cottage six	2,500 00
Central dining and assembly hall	25,000 00

Institution for the Education of the Blind.

Current expenses	56,000 00
Salaries of officers and teachers, and trustees' expenses	19,300 00
Ordinary repairs and improvements	6,000 00
Oculist and oculist supplies	1,000 00
Furniture and carpets	1,500 00
Pianos and school apparatus	1,500 00
Gravel driveways and repairing pavement	1,250 00

Institution for the Education of the Deaf and Dumb.

Current expenses	72,500 00
Salaries of officers and teachers and trustees' expenses	42,000 00
Ordinary repairs and improvements	10,000 00
Foremen, supplies and industrial pursuits....	5,800 00
Furniture and carpets	800 00
Lumber and nails for boxes	1,250 00

Institution for Feeble-Minded Youth.

Current expenses	180,000 00
Salaries of officers and teachers and trustees' expenses	19,500 00
Ordinary repairs and improvements	20,000 00
Custodial buildings	60,000 00
Furniture and carpets	4,000 00
Heating and plumbing	15,000 00
Assembly hall, bakery, laundry and administration building	40,000 00
Authority is hereby given to purchase three hundred acres of land, the same to paid for out of earnings from farm.	

Provided that the exceptions to the Ohio penitentiary in section 782, Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.

General
appropriations for 1905
and 1906.

Soldiers' and Sailors' Home.

Current expenses and clothing, balances, amount received from the general government, and...	70,000 00
Salaries of officers and trustees' expenses.....	8,480 00
Ordinary repairs and improvements.....	9,000 00
Furniture and carpets	1,000 00
Grading roadways and grounds	500 00
Standpipe	6,000 00

Soldiers' and Sailors' Orphans' Home.

Current expenses	120,000 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses	33,320 00
Ordinary repairs and improvements	11,000 00
Industrial pursuits	9,000 00
Salaries of foremen and instructors	12,500 00
Net earnings	1,500 00
Religious services, amusements, library and pictures	1,500 00
Support of orphans outside	5,500 00
Furniture and carpets	2,000 00

Ohio Hospital for Epileptics.

Current expenses	155,000 00
Salaries of officers and trustees' expenses	11,000 00
Ordinary repairs and improvements	11,000 00
Furniture and carpets	1,500 00
Road construction and drainage	2,500 00
For hospital and equipment, for women	18,000 00
For laboratory and morgue with equipment ...	20,000 00

Miscellaneous.

Pension for Mrs. J. P. Brush	96 00
There is hereby appropriated the sum of two thousand nine hundred dollars, the same to be expended as provided in an act passed April 12, 1889, entitled "An act to provide for the extension of the geological survey of the state,"	2,900 00
For co-operation with United States geological survey, in the preparation and completion of a contour topographic survey and map of this state, the sum of twenty-five thousand dollars	25,000 00

General
appropriations for 1905
and 1906.

To be paid upon vouchers approved by the governor, and the governor is hereby authorized to see that such work is carried on as heretofore arranged with the representatives of the United States geological survey, and he may accept or reject the work executed by the United States geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.

Miami University.

For maintenance of Miami university	40,000 00
For women's dormitory	40,000 00

Ohio State University.

For construction school of mines and ceramics building	40,000 00
For construction of chemical building	50,000 00
For equipment of new buildings	25,000 00
For buildings and live stock for college of agriculture, including land	25,000 00

Ohio University.

Ewing hall bonds	10,000 00
One year's interest on \$50,000 Ewing hall bonds	2,500 00
Equipment for library	5,000 00
For maintenance	16,000 00
Equipment, repairs and maintenance girls' dormitory	5,000 00
Repairs and improvements main building....	3,500 00

The Combined Normal and Industrial Department at Wilberforce University.

Industrial building and assembly hall	55,000 00
Expenses of commission on fees of county officials	1,500 00
The Ohio state board of uniform state laws ...	1,000 00
For maintenance of the home of the Ohio soldiers, sailors, marines, their wives, mothers and widows, and army nurses	12,500 00
For Ohio state sanatorium	35,000 00

SECTION 2. The moneys appropriated in the preceding section shall not be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of any appro-

priations made for contingent expenses; no bills for carpets or furniture, or any expenses for officers attending state, interstate or national associations of benevolent, penal or educational institutions, shall be paid out of the appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase and the time of service; and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state shall be allowed from any amount herein appropriated.

General
appropriations for 1905
and 1906.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

Approved May 6, 1904, except as to certain items, to which objection is made in writing and filed herewith, with the secretary of state.

MYRON T. HERRICK,
Governor.
312G

MAY 6, 1904.

I file herewith in the office of the secretary of state house bill No. 505 and house bill No. 566, with my approval of both said bills, except as to certain items, which items are as follows, and are disapproved for the reasons hereinafter stated:

In house bill No. 505 the following items of appropriation are disapproved:

Ohio National Guard—

Horse feed, forage, fuel, lumber, straw, and medical supplies \$10,800

State Board of Agriculture—

Expenses Ohio State Dairymen's Association.... 2,000

Ohio State Archæological and Historical Society—

One Hundred Year Book Chillicothe Centennial. 7,500

Athens State Hospital—

For the purpose of construction, the unexpended balance existing May 12, 1904, for current expenses is hereby reappropriated, and 5,000

Columbus State Hospital—

Electric wiring and pipe covering, repairing and enlarging heating system and boiler house.... 10,000

Cement floors, walks, driveways, grading, tiling and fences 5,000

Massillon State Hospital—

Cow barn and swinery 4,000

General
appropriations for 1905
and 1906.

Toledo State Hospital—

Residence for steward and superintendent of construction 8,000

Remodeling and enlarging cottages 16,000

Combined Normal and Industrial Department of Wilberforce University—

Balance purchase on farm 4,800

Ohio State University—

For buildings and live stock college of agriculture, including land 50,000

In house bill No. 566 the following items are disapproved:

Ohio National Guard—

Horse feed, forage, fuel, lumber, straw, and medical supplies \$10,800

Incidental expenses military companies 32,580

Agricultural Experiment Station—

Special work in entomology, botany, chemistry and horticulture 8,000

Substations for field experiments 7,000

State Board of Agriculture—

Expenses Ohio State Dairymen's Association... 2,000

Ohio State Horticultural Society—

For use of Ohio State Horticultural Society.... 1,000

State Board of Public Works—

The item of \$15,000 in line 147 of the engrossed bill, for the southern division of the Ohio canal 15,000

Legislature—

For salaries of members of the general assembly to be paid in one installment on or before February 16, 1905 85,800

Ohio State Reformatory—

Construction of cells 50,000

Athens State Hospital—

Morgue 5,000

Dayton State Hospital—

Morgue 5,000

Cleveland State Hospital—

Laboratory 1,000

Ohio Hospital for Epileptics—

Hospital and equipment for women 18,000

For laboratory and morgue, with equipment.... 20,000

Massillon State Hospital—

Conservatory 3,200

Ohio State University—

For buildings and live stock for college of agriculture, including land 25,000

Ohio State Sanatorium 35,000

The reasons which impel me to withhold the executive approval of the foregoing items in the general appropriation bills numbered above are that the financial conditions of the state do not, in my judgment, justify these expenditures. The total amount of the appropriations in the several items hereby disapproved is \$557,480, including \$8,000

for a governor's residence, as authorized by an act of the general assembly heretofore vetoed by me, and including \$30,000, unexpended balance to the credit of the Athens state hospital. On April 20, 1904, while the 76th general assembly was in session I transmitted to the house and senate a special message, calling attention to the unusually large sums contained in the several appropriation bills at that time under consideration. The total amount then proposed to be appropriated out of the general revenue fund of the state for all purposes was \$12,709,362.19. This special message as to the moneys in the treasury and the sources of revenue for the ensuing biennial period was based upon figures carefully and accurately ascertained, and represented a correct account of the financial condition and resources of the state. That the general assembly appreciated the situation, and disclosed an inclination to respond to the suggestions then made, is shown by the fact that the total appropriations as finally passed were reduced to \$12,190,466.94, a substantial answer to the demand for economy in the sum of more than \$500,000; but the total appropriations for all purposes are, in my judgment, still too large, in view of the present revenue of the state and the rights of those who bear the burden of taxation to a state government economically administered; and for these reasons I have deemed it my duty to disapprove the items above set forth as representing expenditures which could most properly be spared or postponed.

General
appropriations for 1905
and 1906.

The records in the office of the auditor of state show that there is now in the treasury \$2,748,926.00 and that there is yet to be drawn from that sum, on account of appropriations made by the 75th general assembly and lapsing on May 12, 1904, about \$200,000, leaving an unexpended balance of \$2,548,926.00. It is estimated that there will come into the state treasury to the credit of the general revenue fund for the ensuing two years ending May 6, 1906, \$10,200,000 from the various sources of revenue contributing to such fund. This means there will be available, provided the several sources of the state's revenue realize the amounts shown in former years, for the expenditures authorized by the 76th general assembly, \$12,748,926. If all the items of appropriations in the two accompanying bills have received the executive approval the entire revenues of the state, less a little more than \$500,000, would be expended. Considering the large sums in the matter of resources and expenditures in which the state is dealing, and the uncertainties and emergencies of the future, it does not seem to me a safe policy to risk a deficit by so small a margin.

It may be suggested that the new inheritance tax just approved, and sustained by the supreme court, will yield a sufficient additional revenue to justify the increased appropriations proposed in these two measures; but it is to be remembered that the income from the inheritance tax will not be immediately available, since estates subject to this

tax will have 18 months in which to pay the tax, and, further, that the amount of revenue to the state to be derived from this source is not yet ascertained, and is, to some extent, problematical. However, it is hoped that this new act will ultimately realize a substantial increase in the state's annual revenues to the extent of several hundred thousand dollars at least, and it is because of this expected increase that I have refrained from disapproving other and further items in the appropriation bills which would otherwise have been necessary.

It is unavoidable, and, indeed, it is a matter of congratulation, that the state's growth and development in population, in wealth, and in all that goes to make for the comfort and progress of her citizens necessitates increasing appropriations to care for her proper needs. But all proper demands based upon these reasons would seem to be sufficiently recognized in the fact that whereas the 75th general assembly appropriated \$11,094,000 for all purposes, the appropriations by the 76th general assembly, exclusive of those which have been disapproved, still aggregate \$11,677,986.94. In other words, the appropriations passed by the present general assembly and approved exceed those passed by its predecessor by nearly \$600,000. This increase is, in my judgment, justifiable in view of the increasing demands of the state.

As heretofore stated, the total amount proposed during the present session to be appropriated was \$12,709,362.19. Upon this amount a reduction was made by the general assembly during the closing days of the session of \$518,895.25, and a further reduction is now made by the veto of the items above indicated of \$557,480.00, a total saving of \$1,076,575.25.

MYRON T. HERRICK,
Governor.

[Senate Bill No. 116.]

AN ACT

To reimburse the heirs of William Sebald for money expended.
Be it enacted by the General Assembly of the State of Ohio:

Appropriation
for heirs of
William
Sebald.

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury not otherwise appropriated, payable to the order of C. Ed. Sebald, attorney in fact for all the heirs at law of William Sebald, deceased, the sum of \$350.00 for the purpose of paying losses and expense incurred by the said C. Ed. Sebald, attorney in fact as aforesaid, arising out of the illegal and unlawful seizure of certain lands in Middletown, Butler county, Ohio, by the canal commission of the state of Ohio, and arising out of certain suits brought by the state of Ohio, relating to said lands and the unlawful seizure and taking thereof; and the

auditor of state is hereby authorized to issue a warrant on the state treasury for said amount in favor of C. Ed. Sebal.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

This bill was presented to the governor April 25, 1904, and was not signed nor returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 7, 1904.

313G

[Senate Bill No. 130.]

AN ACT

To amend section 1 of an act entitled "An act to require railroad corporations to equip and furnish all cars used in their service with air brakes and automatic couplers, and their engines with power brakes," as amended February 27th, 1900, (O. L. 94, page 25) designated as section 3365-23 in Bates' Annotated Ohio Statutes, fourth edition.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act to require railroad corporations to equip and furnish all cars used in their service with air brakes and automatic couplers, and their engines with power brakes," as amended February 27, 1900, designated as section 3365-23 in Bates' Annotated Ohio Statutes, fourth edition, be amended so as to read as follows:

Railroad companies:

Sec. 1. That every [railroad] corporation operating a railroad or part of a railroad, in this state, shall, on or before the first day of August, A. D. 1900, equip and furnish all standard gauge cars, owned and leased, used in its service in this state with automatic couplers, coupling automatically, and which can be uncoupled without the necessity of men going between the ends of the cars; and shall equip, furnish and operate all such cars in its passenger service, and not less than thirty per cent. of such cars in its freight service with air brakes; and no freight train shall, after such date, be run by any such railroad corporation over any part of its road lying within this state unless at least twenty-five per cent. of the standard gauge cars composing such freight train are so equipped, furnished and operated with perfectly acting air-brakes and so as to enable the engineer to control the speed of the train without the use of hand-brakes; provided, that on or before January 1, 1900, twenty-five (25) per cent. of all the automatic couplers and air-brakes hereinbefore provided to be put upon cars, shall be so furnished on or before January 1, 1900; provided, further, that the provision of this sec-

Equipment and operation of railroad cars with automatic couplers and air-brakes.

tion shall also apply, after the first day of March, 1910, to the cars other than standard gauge cars, used in the operation of steam railroads in this state.

Repeals.

SECTION 2. Said original section 1 of said act, designated as section 3365-23, as aforesaid, be and the same is hereby repealed.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 23, 1904.

This bill was presented to the governor April 25, 1904, and was not signed nor returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 7, 1904.

314G

LOCAL LAWS.

[House Bill No. 55.]

AN ACT

To authorize the auditor of Hamilton county to issue duplicate warrant for five hundred dollars (\$500.00), payable to Charles Gegner, treasurer of Terrace Park, O.

[HAMILTON COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of Hamilton county be and he is hereby authorized and required to issue his warrant on the treasurer of Hamilton county in the sum of five hundred dollars (\$500.00), payable out of the moneys due the village of Terrace Park, Hamilton county, Ohio, to Charles Gegner, treasurer of said village. Such warrant shall be issued by the said auditor as a duplicate for, and in lieu of warrant number two hundred and fifty, issued June 26th, 1902, in the sum of five hundred dollars (\$500.00), payable to Charles Gegner, treasurer as aforesaid, out of the moneys due said village of Terrace Park; the said warrant number two hundred and fifty having been drawn by the auditor of Hamilton county upon the treasurer of said county; duly accepted and receipted for by the said Charles Gegner; by him deposited with the Milford National Bank, of Milford, Clermont county, Ohio, for collection; forwarded by said Milford National Bank to the Fourth National Bank of Cincinnati, Ohio; and thereupon lost or destroyed and not heretofore presented for collection to the treasurer of Hamilton county.

SECTION 2. That this act shall take effect and be in force from and after its passage.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed January 26, 1904.

Approved January 27, 1904.

MYRON T. HERRICK,
Governor.
IL

[Senate Bill No. 78.]

AN ACT

To provide for the sale of certain Moravian school lands in Clay township, Tuscarawas county, Ohio.

[TUSCARAWAS COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the three trustees of the school lot in the Gnadenhutten tract in the township of Clay, county of Tuscarawas and state of

Ohio, elected under and by virtue of an act of the general assembly of the state of Ohio, entitled "An act supplementary to an act to provide for the sale of three several tracts of Moravian lands in the county of Tuscarawas, passed March 20th, 1840", passed April 6th, 1877 (Ohio Laws Vol. 74, page 429), be and they are hereby authorized to file a petition in the court of common pleas of said Tuscarawas county, Ohio, containing a pertinent description of said school lot in said Gnadenhutten tract, and setting forth that they are the proper and lawful trustees for the management thereof under said act of the general assembly of the state of Ohio passed April 6th, 1877, that it is the desire of two-thirds majority of said inhabitants of said Gnadenhutten tract, that said school lot be sold, and the interest arising from the proceeds of said sale be applied to the use of the common schools of said Gnadenhutten tract, and praying for a sale thereof. And within thirty days thereafter said trustees shall procure and file in said court in the same proceeding, a written consent to the sale of said school lot, in the nature of an answer to said petition, signed by not less than two-thirds of the qualified electors residing within said Gnadenhutten tract.

SECTION 2. If such court is satisfied that the statements made in the petition are true, it shall appoint three disinterested freeholders of the county, who after first being sworn before some officer authorized to administer oaths, and taking to their aid, if they think necessary, the county surveyor, shall proceed to divide said lands into such parcels or tracts, as, in their opinion, will be best for the sale thereof, and return in writing such divisions, suitably numbered and described, to the court, with a just valuation of each separate division in money.

SECTION 3. Such further proceeding in relation to the sale of said school lot, and the disposal of the funds arising therefrom shall then be had, as are authorized by sections 1423, 1424, 1425, 1426, 1429, 1430, 1431, 1432, 1432a, 1433, 1434, 1435, 1436, 1437, and 1440 in title XI, chapter L of the Revised Statutes of Ohio relating to the sale of section 16 and lands in lieu thereof, granted for school purposes, which sections, so far as they may be pertinent, are hereby made applicable to this proceeding: provided,

That all duties and functions prescribed by those sections of the Revised Statutes, to be performed by the township trustees, shall herein be performed by the trustees of said school lot and their successors in office, and provided that said school lot, or any subdivision thereof, may be sold for not less than two-thirds of the appraised value thereof, and the purchaser or purchasers thereof, may pay cash in full therefor, at the time of said purchase, or at any time thereafter within the period prescribed by said section 1424 of the Revised Statutes aforesaid, with accrued interest to the time of payment; and provided further, that all such interest, with all interest hereafter accruing from the state treasury upon the proceeds of said sale or sales, shall annually be apportioned and paid by the proper officers, to the benefit of the common schools of said Gnadenhutten tract, in proportion to the enumeration of school children of the several schools thereof.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed March 15, 1904.

Adopted March 15, 1904.

MYRON T. HERRICK,

Governor.

[Senate Bill No. 245.]

AN ACT

To authorize the board of education of Moorefield township, Clark county, Ohio to pay Mary E. Hause, as a teacher.

[CLARK COUNTY.]

WHEREAS, Mary E. Hause, continuously for eight years prior to September, 1897, taught the primary grade of the school of New Moorefield, a village in Moorefield township, Clark county, Ohio, giving full satisfaction to the board of education of said township and the patrons of said school, the said Mary E. Hause, during all of said years holding legal certificates to teach, two of which were for a longer period than one year, and

WHEREAS, The said Mary E. Hause, not holding a certificate to teach for the school year 1897-1898, was employed by the board of education of said township at a salary of \$45.00 per month, to teach said primary grade of said school, and in pursuance of said employment, did teach said school for a period of nine months, being the entire school year of said school for the year 1897-1898, without being requested by said board of education or the clerk thereof, to produce or file a certificate to teach, she not knowing that such certificate was a prerequisite to receiving remuneration for her services as such teacher, and,

WHEREAS, She received for her services as such teacher, the sum of \$45.00 per month for each of said nine months, making a total of \$405.00, and,

WHEREAS, The board of education of said township employed the said Mary E. Hause to teach the primary grade of said school for the school year 1899-1900 at a salary of \$45.00 per month, and in pursuance thereof, the said Mary E. Hause taught said school during the first four months of said school year 1899-1900 without having a certificate to teach, and without being required by the board of education of said township, or the clerk thereof, to produce or file such certificate, and received no compensation for her services as such teacher, for said four months, and,

WHEREAS, The said Mary E. Hause on being informed that it was illegal for her to receive compensation for services, as a teacher, without having a legal and proper certificate to teach, from the county board of examiners of said county, did on the — day of August, 1900, voluntarily return to the treasurer of said board of education of said township, the entire sum of \$405.00 so received by her as aforesaid, as salary as teacher of said school for the nine months of the school year 1897-1898, and

WHEREAS, On the — day of August, 1900, she received from the county board of examiners of said county a certificate to teach school in said county, and that during all the time above mentioned, for which she received no compensation, she was competent to teach a primary grade, and her work as such teacher gave full satisfaction to the said board of education, the principal of said school and the patrons thereof: therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Moorefield township of Clark county, Ohio, be and they are hereby authorized and directed to pay to the said Mary E. Hause, out of any funds under their control and not otherwise appropriated, the sum of \$585.00, being the amount of her

salary for thirteen months, at \$45.00 per month, to-wit:—beginning in September, 1897, and ending in May, 1898, nine months; and also for four months beginning in September, 1899, and ending in January, 1900.

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized and directed to issue his warrant, and the treasurer of said board is hereby authorized and directed to pay said warrant in favor of said Mary E. Hause, out of any funds under the control of said board of education of said township and not otherwise appropriated.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,

President of the Senate.

Passed April 19, 1904.

Approved April 20, 1904.

MYRON T. HERRICK,

Governor.

3L

[Senate Bill No. 162.]

AN ACT

To supplement an act entitled, "An act to provide for waterworks purposes in cities of the first grade of the first class," passed April 24th, 1896.

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners appointed under the act entitled "An act to provide for waterworks purposes in cities of the first grade of the first class," passed April 24, 1896, to which this is supplementary, in addition to the money authorized to be borrowed under said act, are hereby authorized to borrow an additional amount not to exceed one million five hundred thousand (\$1,500,000.00) dollars, and to issue bonds therefor in the name of said city and under the corporate seal thereof. Said bonds shall be designated the "additional waterworks bonds," and all the provisions of the act to which this is supplementary applicable to bonds issued under said act, the payment of the principal and interest, the security for such payment and the deposit and disbursement of the proceeds thereof, shall in like manner apply to bonds issued under this supplementary act.

SECTION 2. The premium and accrued interest received from the sale of the bonds issued under this act, and under the act to which this is supplementary, and all moneys received by said commissioners from any source, the application of which is not otherwise expressly directed by the act to which this is supplementary, shall be deposited with the city treasurer to the credit of the "waterworks improvement fund," and become part thereof.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK.

4L

[House Bill No. 280.]

AN ACT

To amend sections 1, 2, 5, and 11 of an act passed April 18, 1902, entitled "An act to establish a juvenile court in certain counties, and to regulate the control of delinquent and neglected children."

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1, 2, 5 and 11 of an act entitled "An act to establish a juvenile court in certain counties, and to regulate the control of delinquent and neglected children," passed April 18, 1902 (95 O. L., 785) be, and the same are hereby amended to read as follows:

Sec. 1. (Juvenile court.) In all counties containing by the federal census of 1900 a city having a population of more than three hundred and eighty thousand, and also containing a court of insolvency, said court of insolvency, in addition to the jurisdiction now conferred on it, shall have original jurisdiction of all cases coming under the provisions of this act, and the judges of such courts of insolvency shall each receive the sum of one thousand dollars (\$1,000.00) a year as judge of the juvenile court, in addition to the salary now provided for them by law as judge of the court of insolvency, said sum to be paid out of the county treasury in which said court is located.

The findings of the court in all cases under this act shall be recorded in a separate book, to be known as the "juvenile record," and this court may also, for convenience, be called the "juvenile court." In all trials under this act any person interested therein may demand a jury of six (6), or the judge of said court may of his own motion order a jury of the same number to try a case pending before him.

Sec. 2. This act shall apply only to children under the age of sixteen years not now or hereafter inmates of a state institution or any industrial school for boys or industrial home for girls, or some institution incorporated under the laws of this state, provided, however, that when any child under the age of sixteen years shall, under the provisions of this act, come into the custody of the juvenile court, such child shall continue for all necessary purposes of discipline a ward of such court until, if said child be a boy, he shall attain the age of twenty-one years, and if such child be a girl, until she have attained the age of eighteen years, and the power of said court upon any such child so brought under its jurisdiction prior to its attaining the age of sixteen years, shall be a continuing power until said child attains the ages hereinbefore specified. For the purpose of this act the words "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper (parental) paternal care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; and any child under the age of ten (10) years, who is found begging, peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include

any child under the age of sixteen (16) years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly frequents a house of ill fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act.

Sec. 5. (Probation officers.) The court shall have authority to appoint one discreet person of good character to serve as chief probation officer during the pleasure of the court, said chief probation officer to receive a salary of eighteen hundred dollars (\$1,800.00) per annum, and one assistant probation officer who shall also be interpreter in the juvenile court, to receive a salary of one thousand dollars (\$1,000.00) per annum, payable out of the county treasury; and in addition thereto the court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court, said probation officers other than the chief probation officer to receive no compensation from the public treasury. It shall be the duty of the chief probation officer to make such investigations as may be required by the court; to be present in court in order to represent the interests of children when their cases are heard; to furnish the court such information and assistance as the judge may require; to superintend the work of all other probation officers; to have such charge of all children before and after trial as the court may direct.

Sec. 11. (May compel parents to support child.) In any case in which the court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceedings, upon the parents of said child, or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child, or contribute to its support, and likewise into the fault or neglect of any such parent properly to discipline and control such child. and if the court shall find such parent or parents able to support the child or contribute thereto, or negligent in the matter of disciplining and controlling the delinquent child, the court may enter such order or decree as shall be according to equity in the premises, and if such order be an order that such parents support or contribute to the support of such child, the same may be enforced by execution or in any way in which a court of equity may enforce its orders or decrees, and if the decree of the court be that any such parent discipline and control a delinquent child, then the court may enforce such order by fine imposed upon any such parent not to exceed for the first offense twenty-five dollars (\$25.00) and for all subsequent offenses one hundred dollars (\$100.00).

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK.

Governor.

51.

[House Bill No. 521.]

AN ACT

To establish a criminal court in the city of Youngstown, Mahoning county, Ohio.

[MAHONING COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be, and is hereby established in the city of Youngstown, Mahoning county, a criminal court held by a judge, which court shall be styled the criminal court and be a court of record, and shall have jurisdiction of any offense under any ordinance of the said city of Youngstown and of any misdemeanor committed within the limits of said city, to hear and finally determine the same and impose the prescribed penalty; but cases in which the accused is entitled to a trial by a jury, shall be so tried unless a jury be waived in writing by the accused.

SECTION 2. In felonies committed within the county the court shall have the power to hear the case and discharge, recognize or commit, and if upon such hearing the court is of the opinion that the offense is only a misdemeanor and that the court may entertain jurisdiction of it under the last section a plea of guilty of such misdemeanor may be received and sentence and judgment pronounced.

SECTION 3. The court shall have power to issue process, preserve order and punish contempts, summon and impanel jurors, grant new trials and motions in arrest of judgment, suspend execution of sentence upon notice of intention to apply for leave to file a petition in error, and such other powers as may be necessary for the exercise of the jurisdiction herein conferred, and the enforcement of the judgments and orders of the court.

SECTION 4. Prosecution for offenses against the laws of the state shall be brought and conducted in the name of the state and prosecutions for violations of city ordinances shall be brought and conducted in the name of the city of Youngstown, and in any case a new trial may be granted and for the same cause as in like cases in the court of common pleas.

SECTION 5. The court shall have power to compel the attendance of witnesses, jurors and parties; jurors shall have the qualifications and be subject to the challenges of those in court of common pleas in like cases; they shall be selected, summoned and impaneled in accordance with an ordinance of the council; or if no such ordinance is in force, in accordance with a rule of the court and they shall receive the same fees as are allowed jurors and witnesses in courts of justice of the peace; other fees shall be the same as before the justice of the peace in like cases.

SECTION 6. The criminal court shall always be open for the transaction of business, but may adjourn from day to day or from time to time and shall be considered as holding monthly terms, each commencing on the first Monday of the month.

SECTION 7. The judge shall adopt such rules of practice and procedure as will give each party a proper statement of any charge against him and a full opportunity of being heard.

SECTION 8. The judge shall be elected by the electors of the city of Youngstown at the regular fall election in 1904, for a term of four (4) years. He shall be an elector of the city, and an attorney and counsellor at law, duly admitted and licensed to practice law in this state.

Any vacancy caused in said office by reason of death, removal, resignation or otherwise, shall be filled by appointment by the mayor of said city of Youngstown, Ohio.

SECTION 9. The bond and compensation of said judge shall be fixed by the council.

SECTION 10. The city solicitor or his assistant of the city of Youngstown, Ohio, shall be the prosecuting attorney of said court.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

Governor.
6L

[House Bill No. 433.]

AN ACT

To further compensate certain deputy state supervisors for the conduct of elections in Cuyahoga county and their clerk.

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That each of the deputy state supervisors for the conduct of elections in Cuyahoga county, appointed, qualified and acting as such prior to August 6th, 1900, for services rendered by them prior to August 6th, 1900, shall be paid, in addition to the sum already allowed to them by law, the sum of \$800.00 to be paid out of the county treasury of Cuyahoga county as other county expenses, upon vouchers approved by the deputy state supervisors of elections for Cuyahoga county, and the county commissioners of said county shall make the necessary levy to meet the same. And the clerk of said deputy state supervisors, elected, qualified and acting as such prior to August 6th, 1900, for services rendered during the same time, shall be paid the sum of \$1,000.00 to be paid out of the said county treasury as other county expenses, upon voucher approved by the deputy state supervisors of elections for Cuyahoga county and the said county commissioners shall make the necessary levy to meet the same.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

Governor.
7L

AN ACT

To consolidate the public libraries of Portsmouth, Ohio, and repeal certain acts.

WHEREAS the general assembly of the state of Ohio, on the 15th day of May 1879, passed an act to consolidate the libraries of the city of Portsmouth, Ohio, and to authorize the levy of a tax to support the library so formed and established and for the appointment of a library committee to control and govern the same, and whereas the said city of Portsmouth has lately established a free public library under section 218 of the act to provide for the organization of cities and incorporated villages, passed October 22d, 1902, and has accepted a building for said library and it being desirable and for the best interest of said two libraries that the same be consolidated, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the library of Portsmouth, Ohio, established by the act of May 15th, 1879, (Vol. 76, page 97 O. L.) be consolidated with the free public library established by said city, and the trustees of said library are hereby authorized to transfer to the city of Portsmouth all the books and property of said first named library, the same to become a part of the free public library of said city of Portsmouth, Ohio, so authorized and established by said city, and to be controlled and governed by the trustees thereof as provided for in said section 218, of said act passed October 22d, 1902; said city to assume and pay all bills and liabilities against said first named library from the funds set aside for the establishment and maintenance of said free public library in said city.

SECTION 2. That the act passed May 15th, 1879 (Vol. 76, page 97, O. L.) and section 4006 as amended April 24th, 1896 (O. L. Vol. 92, page 309) be and the same are hereby repealed.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Passed April 23, 1904.

Approved April 26, 1904.

MYRON T. HERRICK,

Governor.
8L

JOINT RESOLUTIONS.

[House Joint Resolution No. 1.]

JOINT RESOLUTION

In the matter of the appointment of a joint committee to wait on the governor and inform him that the general assembly is in session and ready to receive any message he may see fit to transmit.

Be it resolved by the General Assembly of the State of Ohio, That a committee of 7 on the part of the house and on the part of the senate be appointed to wait upon the governor, and inform him that the general assembly is now in session, and ready to receive any communication which he may see fit to transmit.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Adopted January 12, 1904.

1

[House Joint Resolution No. 5.]

JOINT RESOLUTION

Relative to Friday adjournment.

Be it resolved by the General Assembly of the State of Ohio: That when the senate and house of representatives adjourn on Fridays, it be to 5:00 o'clock P. M. on the Monday following.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Adopted January 21, 1904.

2

[Senate Joint Resolution No. 4.]

JOINT RESOLUTION

Pertaining to a committee on rules.

Be it resolved by the General Assembly of the State of Ohio, That a joint committee of three on the part of the senate, and on the part of the house be appointed to propose and report joint rules for the government of the two houses.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Adopted January 25, 1904.

3

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Relative to adjournment.

Be it resolved by the General Assembly of the State of Ohio, That when the legislature adjourns on Wednesday January 13th, 1904, it be to meet on Monday, January 18th, 1904, at five o'clock, P. M.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Adopted January 25, 1904.

4

[Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Pertaining to adjournment from January 5, 1904 to January 11, 1904.

Be it resolved by the General Assembly of the State of Ohio, That when the legislature adjourns on Tuesday, January 5, 1904, it be to meet on January 11, 1904, at 9 o'clock A. M.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Adopted January 25, 1903.

5

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Pertaining to the publishing and declaring the result of the last election in the hall of the house of representatives.

Be it resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention in accordance with the provisions of the constitution and the statutes on Tuesday, January 5, 1904, at 11 o'clock A. M. in the hall of the house of representatives, to witness the opening, publishing and declaring the result of the returns of the votes cast for governor, and other state officers, at the election held on the first Tuesday after the first Monday in November, 1903.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Adopted January 25, 1904.

6

[Senate Joint Resolution No. 2.]

JOINT RESOLUTION

Pertaining to the appointment of a committee to arrange for the inauguration of the governor-elect.

Be it resolved by the General Assembly of the State of Ohio, That a committee of five on the part of the senate and seven on the part of the house be appointed to make necessary and proper arrangements for the inauguration of the governor-elect on Monday, January 11, 1904.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted January 25, 1904.

7

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Pertaining to the appointment of a committee to wait upon the governor.

Be it resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the senate and five on the part of the house be appointed to wait upon the governor, and inform him that the general assembly is now in session, and ready to receive any communication which he may see fit to transmit.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted January 25, 1904.

8

[House Joint Resolution No. 12.]

JOINT RESOLUTION

Relative to adjournment.

Be it resolved by the General Assembly of the State of Ohio: That when the general assembly adjourns on Thursday, January 21, 1904, that it be until five o'clock P. M. on Monday, January 25, 1904.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted January 26, 1904.

9

[House Joint Resolution No. 7.]

JOINT RESOLUTION

Relative to printing fifteen hundred additional copies of H. B. No. 22.

Be it resolved by the General Assembly of the State of Ohio: That

fifteen hundred (1500) additional copies of house bill No. 22 be ordered printed by the clerk, for the use of the members of the house and senate.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Adopted January 26, 1904.

10

[House Joint Resolution No. 9.]

JOINT RESOLUTION

Relative to printing 1,000 additional copies of H. B. No. 9.

Resolved by the General Assembly of the State of Ohio: That one thousand additional copies of house bill No. 9, be printed for the use of the members of house and senators.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Adopted January 26, 1904.

11

[House Joint Resolution No. 6.]

JOINT RESOLUTION

Relative to the admission of John T. Bardsley to the Massillon state hospital for the insane.

Be it resolved by the General Assembly of the State of Ohio:

WHEREAS, One John T. Bardsley has become insane and his insanity has assumed the form that renders it unsafe for him to be at large, and,

WHEREAS, The said John T. Bardsley is a resident of the state of Ohio, but has been absent from the state of Ohio for more than one year and is not eligible to admission to any insane hospital in this state, for that reason; and,

WHEREAS, The said John T. Bardsley is confined in a sanitarium in Summit county, Ohio, and,

WHEREAS, He should be confined in a hospital for the insane;

Therefore be it resolved by the General Assembly of the State of Ohio: That the superintendent of the Massillon state hospital for the insane, in compliance with section 700 of the Revised Statutes of Ohio, be and is hereby authorized and required to admit the said John T. Bardsley to said hospital as an inmate of the same. And the county sheriff of Summit county, Ohio, is authorized to convey him to said hospital.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

W. G. HARDING,
President of the Senate.

Passed January 28, 1904.

12

[House Joint Resolution No. 11.]

JOINT RESOLUTION

Relative to printing 1,000 additional copies of H. B. No. 51, for the use of the members of the senate and house.

Be it resolved by the General Assembly of the State of Ohio: That 1,000 additional copies of house bill No. 51 be ordered printed by the clerk of the house for the use of the members of the senate and house of representatives.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted January 28, 1904.

13

[Senate Joint Resolution No. 8.]

JOINT RESOLUTION

To extend an invitation to citizens throughout the various counties of the state to attend a state convention for the discussion and consideration of such action upon the subject of road improvement as may be deemed desirable.

Be it resolved by the General Assembly of the State of Ohio: That this body, through its respective committees on public roads and highways, extend an invitation to citizens throughout the various counties of the state to attend a state convention for the discussion and consideration of such action upon the subject of road improvement, as may be deemed desirable on the part of the general assembly; that the senate committee on roads and highways, and the house committee on turnpikes and public ways, be, and are hereby authorized to issue a call for such convention to determine upon the manner of securing delegate attendance, arranging necessary program therefor, and also to determine upon time and place of meeting. That an invitation be extended through the chairman of the senate committee on roads and highways to the state commissioner of highways of Pennsylvania, the state engineer of New York, Hon. Martin Dodge, Hon. A. C. Latimer and Hon. Walter Brownlow to be present at this convention and participate in its deliberations.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted February 2, 1904.

14

[House Joint Resolution No. 14.]

JOINT RESOLUTION

Relative to printing 500 copies of amended H. B. No. 9.

Be it resolved by the general assembly of the state of Ohio, That there be printed 500 copies of amended house bill No. 9 as the same has been reported from the committee on fees and salaries.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted February 3, 1904.

15

[House Joint Resolution No. 16.]

JOINT RESOLUTION

Relative to printing 1,000 extra copies of H. B. No. 73.

Be it resolved by the General Assembly of the State of Ohio: That there be printed one thousand extra copies of house bill No. 73, ward local option bill, for the use of the members.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Adopted February 3, 1904.

16

[House Joint Resolution No. 15.]

JOINT RESOLUTION

Relative to the distribution among the members of the general assembly of Howe's Historical Collections of Ohio.

WHEREAS, The 75th general assembly by joint resolution duly passed, ordered the printing of a certain number of Howe's Historical Collections of Ohio, and

WHEREAS, There is a surplus of said Howe's Historical Collections now in the hands of the secretary of state, therefore,

Be it resolved That the general assembly of the state of Ohio order that there be distributed among the members of the 76th general assembly of the state of Ohio, including the lieutenant governor, five sets each of the said Howe's Historical Collections of Ohio.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Adopted February 3, 1904.

17

[House Joint Resolution No. 13.]

JOINT RESOLUTION

Relative to a floral emblem for Ohio.

WHEREAS, It is fitting and proper that a state should honor and perpetuate the memory of its illustrious sons, in order that our citizens of the future may emulate their example of patriotic devotion and sacrifice to the welfare of the republic; and

WHEREAS, William McKinley was a beloved and devoted citizen of Ohio, and one of the loftiest characters ever given by any state to the history of the nation and the world; and

WHEREAS, The scarlet carnation, because of his love for it, is closely associated with his memory, and the state of Ohio having no floral emblem: Therefore,

Be it resolved by the General Assembly of the State of Ohio, the governor approving: That the scarlet carnation be adopted as the state flower

of Ohio, as a token of love and reverence for the memory of William McKinley.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Adopted February 3, 1904.

18

[Senate Joint Resolution No. 9.]

JOINT RESOLUTION

Asking congress to locate a naval training station at Put-in-Bay, Ohio.

WHEREAS, The attention of the general assembly of Ohio has been called to the legislation, now pending in the congress of the United States, in furtherance of the legislation enacted June 30th, 1902, proposing the establishment of a naval training station, at some point upon the chain of great lakes; and

WHEREAS, The members of the general assembly of Ohio, having in mind the general requirements, indicated in the order of the honorable secretary of the navy, dated July 5th, 1902, as most needful in a location, for the proposed naval training station, and having in view the local conditions deemed essential for such a location, respectfully invite the attention of congress to Put-In-Bay island, Lake Erie, as a location pre-eminently fitted to meet all such physical requirements, and, furthermore, we believe that the historic associations of this locality, remembrance of which will forever fire the hearts of our people with patriotism and pride, would be an inspiration to that essential devotion to duty and esprit de corps so desirable to be developed in our young citizens. Therefore,

Be it resolved by the General Assembly of the State of Ohio, That the congress of the United States be, and it is hereby memorialized and earnestly invited to locate the naval training station which it proposes to establish at some point upon the chain of great lakes, on Put-in-Bay (South Bass) island, Lake Erie, not only because of the superior physical advantages this location offers, but also as a fitting tribute to the memory and achievements of that loyal officer and citizen, Commodore Perry, and his heroic command.

And be it further resolved, That the senators and members of the house of representatives from Ohio, in the congress of the United States, be, and they are hereby requested to urge congress to adopt such legislation as may be necessary to secure the establishment of said proposed naval training station, on said island.

Resolved, That the secretary of state of Ohio, transmit immediately upon the passage of this resolution, a copy thereof to the senate of the United States, and to the house of representatives of the United States, and to each of the representatives of Ohio therein.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Adopted February 5, 1904.

19

[Senate Joint Resolution No. 12.]

JOINT RESOLUTION

Relative to the printing of extra copies of S. B. No. 57 and H. B. No. 51.

Be it resolved by the General Assembly of the State of Ohio: That 3000 copies of senate bill No. 57 by Mr. Harrison and 2000 copies of H. B. No. 51 by Mr. Treadway, be printed for use of the members of the senate and house of representatives.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Adopted February 11, 1904.

20

[House Joint Resolution No. 17.]

JOINT RESOLUTION

An endorsement of congressional action, looking to the improvement of our internal waterways, especially the Ohio and Mississippi rivers.

WHEREAS, The congress of the United States, appreciating the vast importance of our internal waterways, as a necessary factor in the achievement of our manifest destiny: The industrial empire of the world, have already taken the preliminary steps to wonderfully improve the Ohio and Mississippi rivers as commercial channels of the United States, and to construct an isthmian canal; and

WHEREAS, Such legislation on the part of congress has met with the unqualified approval of the citizens of the United States generally; and

WHEREAS, The inevitable result of such improvement of our internal waterways must be of the greatest importance and benefit to the state of Ohio, in connection with the United States at large; therefore,

Be it resolved by the General Assembly of the State of Ohio: That we most sincerely commend the wisdom of the said legislation by the congress of the United States and urge upon congress the imperative necessity for the completion of the improvements contemplated as soon as compatible with their nature and importance, and be it further resolved that copies of these resolutions shall be sent to the senate and house of representatives of the United States.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Adopted February 16, 1904.

21

[House Joint Resolution No. 20.]

JOINT RESOLUTION

Providing for the printing and distribution of the catalogue of the law library of the supreme court.

WHEREAS, The edition of the catalogue of the law library of the supreme court, published by authority of the 74th general assembly, was insufficient to meet the demands therefor, and is exhausted; and

WHEREAS, Constant accessions to the library of important legal publications, renders a new edition of the catalogue desirable at reasonable intervals, therefore;

Be it resolved by the General Assembly of the State of Ohio: That the supervisor of public printing be, and he is hereby, directed and authorized to have printed and bound under the direction of the marshal and librarian of the supreme court, and from copy furnished by him, fifteen hundred copies of the catalogue of the law library of the supreme court for the year 1904. As soon as the same are ready for delivery, the said marshal and librarian shall deliver 100 copies to the law school of the Ohio state university, 7 copies to each member of the 76th general assembly for distribution among the attorneys in his district, and shall distribute the remainder as shall be directed by the supreme court.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted February 16, 1904.

22

[House Joint Resolution No. 22.]

JOINT RESOLUTION

Relative to printing 500 copies each of H. B. Nos. 115 and 116.

Be it resolved by the General Assembly of the State of Ohio, That 500 copies each of H. bills No. 115 and 116 be printed for the use of members of the house and senate.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted February 16, 1904.

23

[House Joint Resolution No. 23.]

JOINT RESOLUTION

To provide for the printing of five hundred extra copies of house bills Nos. 118 119 and 120 for use of the members of the legislature.

Be it resolved by the General Assembly of the State of Ohio: That

there be printed, for the use of the members of the general assembly, five hundred extra copies of each of house bills, Nos. 118, 119 and 120.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

Adopted February 16, 1904.

President of the Senate.

24

[House Joint Resolution No. 25.]

JOINT RESOLUTION

Relative to the adoption of H. B. No. 6475 in the congress of the United States.

Resolved by the General Assembly of the State of Ohio in regular session assembled, That we do hereby indicate our approval of the provisions of H. R. No. 6475, now pending before the second session of the 58th congress of the United States, which resolution was introduced on Dec. 9, 1903, by Mr. Beidler of Ohio, and which resolution relates to the regulation and increase of pay of mail carriers on rural free delivery routes. And, that we do recommend the passage of said bill at as early a date as possible. And that copies of this joint resolution shall be sent to the senators and representatives of this state in the United States congress.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted February 16, 1904.

25

[House Joint Resolution No. 26.]

JOINT RESOLUTION

Relative to printing 3,000 extra copies of H. B. No. 176.

Be it resolved by the General Assembly of the State of Ohio: That there be printed three thousand extra copies of house bill number 176 for the use of the house and senate.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted February 16, 1904.

26

[House Joint Resolution No. 27.]

JOINT RESOLUTION

Relative to printing 1,000 copies of H. B. No. 134.

Resolved by the General Assembly of the State of Ohio, That there be printed 1000 copies of H. B. No. 134, for improvement of public highways, for use of the members of the 76th general assembly.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted February 16, 1904.

27

[House Joint Resolution No. 35.]

JOINT RESOLUTION

Relative to adjournment.

WHEREAS, The general assembly of the state of Ohio has informally learned of the death of Senator Marcus A. Hanna, and shares the sorrow of the state and the national loss; and

WHEREAS, It is fitting that the general assembly gives expression of its deep regard and great sorrow, by adjournment;

Be it resolved by the General Assembly of the State of Ohio, That when adjournment is made today on the part of both houses, it be until Monday, February 22, 1904, at 5 o'clock P. M.

And be it further resolved That a joint committee of twenty be appointed, ten by the president of the senate and ten by the speaker of the house, to arrange for the attendance of the members of the two bodies at the funeral of the honored dead.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Adopted February 29, 1904.

28

[Senate Joint Resolution No. 14.]

JOINT RESOLUTION

Relative to fixing the time for balloting for United States senator.

WHEREAS, The general assembly of the state of Ohio has been notified of a vacancy in the Ohio representation in the U. S. senate, caused by the death of Senator M. A. Hanna, and

WHEREAS, The United States statutes require that the general assembly shall proceed to fill such vacancy on the second Tuesday after receiving such notice.

Be it resolved by the General Assembly of the State of Ohio That the senate and house of representatives fix upon Tuesday, March 1st, 1904, at 1:30 o'clock P. M., to ballot for a United States senator for the unexpired term ending March 4th, 1905, and the full term of six years beginning March 5th, 1905.

Be it further resolved That the senate and house of representatives hereby fix upon Wednesday, March 2d, 1904, at 12 o'clock noon to meet in joint session in the hall of the house of representatives, to canvass such separate ballots as required by United States Revised Statutes.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate

Adopted February 29, 1904.

29

[Senate Joint Resolution No. 11.]

JOINT RESOLUTION

Relative to the printing of extra copies of S. B. No. 62. Mr. Moore.

Be it resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members 500 copies of senate bill No. 62 by Mr. Moore.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Adopted March 3, 1904.

30

[House Joint Resolution No. 37.]

JOINT RESOLUTION

Relative to printing 500 extra copies of H. B. No. 169.

Be it resolved by the General Assembly of the State of Ohio: That 500 extra copies of house bill No. 169 be printed for the use of the members.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted March 9, 1904.

31

[House Joint Resolution No. 40.]

JOINT RESOLUTION

Relative to the death of Hon. M. A. Hanna.

In January last, the general assembly of the state of Ohio for the second time elected the Honorable Marcus A. Hanna senator in the congress of the United States. It is fitting that this body, which signally honored the living, should appropriately commemorate the dead.

Ohio is conspicuously the mother of great men, and the deeds and character of Mr. Hanna entitle him to be numbered among the most illustrious of her sons. He achieved greatness; he was not born to it, nor was it thrust upon him. He came from the best American stock, but the advantages of wealth and of high position he did not inherit; he earned them for himself. He carved out his own career with a courageous, untiring but wise energy, and he left an example full of inspiration to his countrymen. His life, so successful in the best sense, is proof to any citizen of this land of golden opportunities, that the brightest possibilities may become realities, if only he have strength to hold and courage to climb.

Until the noon of life had passed, he devoted himself to commercial affairs, with a faithful and intelligent industry, and a sterling integrity which brought rich but well deserved rewards. He then gave his atten-

tion to politics, and the same qualities which made him so successful in business, placed him in the front rank of political leaders, not only of the state, but of the nation.

After the campaign of 1896, which he did so much to make memorable, he was first appointed and then elected a senator of the United States, and continued to render conspicuous service to his country in that high office until his death, which came shortly after his triumphant re-election to the senate by a majority so great as to significantly show in what large measure he had won not only the admiration and respect, but the confidence of his countrymen.

He was a student, not of books, but of men rather. Unaided by special training or by the pleasing art of the phrase-maker, he became one of the most effective speakers of his day. His clear statement, and his sincerity, convinced the thousands who thronged to hear him.

He was prominent in the senate, as he was always and everywhere. Pre-eminent because of his sagacity, his patience, his unflinching courage, his common sense, his quickness of perception, his kindness of heart, his rugged honesty, and his unequalled ability not only to plan but to execute. No worthy task was too burdensome for him to undertake or too difficult for him to thoroughly perform. He was a many-sided man. The demands of business, of the senate, and of politics, both local and national, great and incessant as they were, could neither exhaust his capacity nor fag his zeal. His generous heart always gave quick and constant response to the appeals of the poor and unfortunate. He was never too busy to dispense bountiful but discriminating charity.

He was above all else a patriot. The glory of his country, and the peace and prosperity of her citizens, were his chiefest aims. He added much to the one, and greatly promoted the other. When the Panama canal, that great triumph of American statesmanship and energy, is completed, the name of this masterful and progressive statesman will always be associated with it. His earnest, intelligent and generous efforts to soothe the passions of men, to bring capital and labor together on a permanent basis of mutual good will and fair and reasonable co-operation, will never be forgotten by his fellow-citizens. Therefore,

Be it resolved by the General Assembly of the State of Ohio That this sincere but inadequate tribute to the memory of Marcus A. Hanna be spread upon the records of this assembly, and

Be it further resolved, That a memorial meeting be held in the house of representatives in commemoration of the life and public service of the late Marcus A. Hanna at a day and time to be determined upon by and under the direction of a joint committee of five on the part of the senate, and five on the part of the house of representatives.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted March 17, 1904.

[House Joint Resolution No. 34.]

JOINT RESOLUTION

Relative to printing 500 copies of H. J. R. No. 17.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized and directed to print, to carry out the provisions of H. J. R. No. 17, five hundred copies of said house joint resolution No. 17.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Adopted March 15, 1904.

33

[House Joint Resolution No. 32.]

JOINT RESOLUTION

Relative to the salary of John P. Maynard, clerk of the house.

Be it resolved by the General Assembly of the State of Ohio: That the sum of six hundred and seventy dollars and fifty-five cents (\$670.55) be paid to John P. Maynard for services as clerk of the house from July 1, 1903, to January 4, 1904, being the unexpired term of B. L. McElroy deceased, and the same shall be paid from the legislative fund.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Adopted March 15, 1904.

34

[House Joint Resolution No. 24.]

JOINT RESOLUTION

Providing for the publication of Howe's Historical Collections of Ohio.

WHEREAS, The state of Ohio owns the copyright, electrotpe plates, engravings and all other apparatus and matter necessary and requisite for the publication of Howe's Historical Collections of Ohio, centennial edition; and by exhaustive research, study and investigation, much valuable information has been gathered and preserved thereby, of great value to the people of Ohio, and the same should be disseminated in a proper manner among the public schools, libraries and citizens thereof; therefore,

Be it resolved by the General Assembly of the State of Ohio: That the commissioners of public printing be and they are hereby directed and authorized to contract for on behalf of the state, for the printing from said plates and engraving, etc., of (16,000) sixteen thousand sets and binding thereof, in style and manner similar to and fully equal in quality as to binding, paper and workmanship to that furnished under house joint resolution No. 20, adopted May 6, 1902 (95 O. L. 964), in sets of two volumes each, at a cost not to exceed one dollar per set; that said printing and delivery shall be done under the direction of the commissioners of public printing.

Resolved, That when said history is printed and bound, as aforesaid, the same shall be delivered to the secretary of state, and the following disposition and distribution made thereof: To the state library, for exchange, (75) seventy-five sets; to the archæological society of Ohio, (75) seventy-five sets for exchange; to each member of the 76th general assembly (100) one hundred sets, and to the lieutenant governor (100) one hundred sets; and to each officer and clerk of said general assembly, and to each legislative correspondent, (1) one set; and the remaining to be sold by the secretary of state, at two dollars (\$2.00) per set, and the proceeds thereof paid into the state treasury to the credit of the general revenue fund.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Adopted March 18, 1904.

35

[House Joint Resolution No. 43.]

JOINT RESOLUTION

Relative to printing 500 extra copies of H. B. No. 249.

Resolved by the General Assembly of the State of Ohio: That five hundred extra copies of house bill No. 249 be printed for the use of the members.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted March 17, 1904.

36

[Senate Joint Resolution No. 16.]

JOINT RESOLUTION

Proposing an amendment to the constitution of the state of Ohio, fixing the time of holding elections and terms of office.

Be it resolved by the General Assembly of the State of Ohio:

SECTION I. That a proposition shall be submitted to the electors of this state on the first Tuesday after the first Monday in November, 1905, to amend the constitution of the state of Ohio, said amendment to be designated "Article XVII" and to read as follows:

ARTICLE XVII.

SECTION I. Elections for state and county officers shall be held on the first Tuesday after the first Monday in November in the even numbered years; and all elections for all other elective officers shall be held on the first Tuesday after the first Monday in November in the odd numbered years.

SECTION 2. The term of office of the governor, lieutenant governor, attorney-general, secretary of state and treasurer of state shall be two years, and that of the auditor of state shall be four years. The term of office of the judges of the supreme court and circuit courts shall be such even number of years not less than six (6) years as may be prescribed by the general assembly: that of the judges of the common pleas court six (6) years and of the judges of the probate court, four (4) years, and that of other judges shall be such even number of years not exceeding six (6) years as may be prescribed by the general assembly. The term of office of justices of the peace shall be such even number of years not exceeding four (4) years, as may be prescribed by the general assembly. The term of office of the members of the board of public works shall be such even number of years not exceeding six (6) years as may be so prescribed; and the term of office of all elective county, township, municipal and school officers shall be such even number of years not exceeding four (4) years as may be so prescribed.

And the general assembly shall have power to so extend existing terms of office as to affect the purpose of section 1 of this article.

Any vacancy which may occur in any elective state office other than that of a member of the general assembly or of governor, shall be filled by appointment by the governor until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election for the office which is vacant, that occurs more than thirty (30) days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term. All vacancies in other elective offices shall be filled for the unexpired term in such manner as may be prescribed by law.

SECTION 3. Every elective officer holding office when this amendment is adopted, shall continue to hold such office for the full term for which he was elected, and until his successor shall be elected and qualified as provided by law.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Adopted March 18, 1904.

37

[House Joint Resolution No. 36.]

JOINT RESOLUTION

To provide additional room for the Ohio state library.

WHEREAS, The growth and crowded condition of the Ohio state library have made it necessary to provide additional room for books, and

WHEREAS, Access to rooms already occupied by this department would be greatly facilitated by connecting rooms across the north-west court of the state house, therefore,

Be it resolved by the General Assembly of the State of Ohio: That there be appropriated out of the general revenue fund of the state, not otherwise appropriated, such an amount as may be deemed necessary by the general assembly to be expended under the direction of the governor, the

adjutant general and the president of the board of library commissioners in erecting and equipping rooms connecting those now occupied by the state library on opposite sides of the northwest court of the state house.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted March 24, 1904.

38

[House Joint Resolution No. 39.]

JOINT RESOLUTION

Relative to the advancement to the grade of major general of T. M. Anderson.

WHEREAS, Brigadier general T. M. Anderson, a native of Ohio, was in the war of the rebellion for valor and bravery in the battle on Shenandoah Valley, at Rappahannock Station, at Waterloo Bridge, at Bristow Station, at Second Bull Run, at Chantilly, South Mountain, Antietam, Snickers Gap, Fredericksburg, Chancellorsville, Spottsylvania and Wilderness, being twice wounded, promoted from a private in the 6th Ohio volunteer infantry, to brevet lieutenant colonel; and by reason of long and valiant service in many hard fought Indian campaigns made colonel 14th U. S. infantry; and in the late unpleasantness with Spain, as brigadier general of volunteers he further distinguished himself in the attack on Manila, and the engagements at Santa Ana, Pasag, San Pedro, Macati, Guadalupe, Church, Pasig and Pateros; and on the 21st day of January, 1900, by reason of old age, he was retired, with grade of brigadier general; and

WHEREAS, There has been introduced in the senate of the United States, a bill, providing for the advancement to the grade of major general, on the retired list of the army of the United States, of brigadier general T. M. Anderson, retired, commandant of the state soldiers' home, of Erie county, Ohio; therefore,

Be it resolved by the General Assembly of the State of Ohio, That we most sincerely memorialize the congress of the United States for the adoption of the bill for his advancement to the grade of major general, on the retired list of the army of the United States; and

Be it further resolved, That copies of these resolutions shall be sent to the senate and house of representatives of the United States.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed March 24, 1904.

39

[House Joint Resolution No. 46.]

JOINT RESOLUTION

Relative to printing 1,000 additional copies of H. B. No. 281.

Be it resolved by the General Assembly of the State of Ohio: That

1,000 additional copies of H. B. No. 281 be ordered printed by the clerk for the use of the members of the senate and house of representatives.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Adopted March 24, 1904.

40

[House Joint Resolution No. 33.]

JOINT RESOLUTION

Relative to reprinting such of the publications of the Ohio agricultural experiment station as are now out of print.

Be it resolved by the General Assembly of the State of Ohio: That the Ohio agricultural experiment station be and is hereby authorized to reprint such of its publications as are now out of print in an edition not to exceed five thousand copies; that the secretary of state be and is hereby directed to furnish the paper required for such printing.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Adopted March 24, 1904.

41

[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

Directing the admission of Mrs. Joseph R. White of Stark county to the Ohio state hospital for the insane at Massillon, Ohio.

WHEREAS, Mrs. Joseph R. White, a native of Massillon, Stark county, Ohio, and now a resident of that place is mentally deranged and is eligible to the Ohio state hospital for the insane, except that she has not legal residence in this state, and

WHEREAS, It is believed that she can be greatly benefited and restored to sound mind with the care and attention given by the state of Ohio to persons so afflicted. Therefore,

Resolved by the General Assembly of the State of Ohio, That the trustees of the Ohio state hospital for the insane at Massillon are hereby directed to admit said Mrs. Joseph R. White as a patient in the said hospital on equal terms with other patients until otherwise provided by proper authority.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Adopted March 25, 1904.

42

[Senate Joint Resolution No. 15.]

JOINT RESOLUTION

Providing for the publication of the report of the Ohio co-operative topographical survey.

Be it resolved by the General Assembly of the State of Ohio: That the state printer be hereby authorized to print, as soon as practicable, twenty-five hundred copies of the report of the inspector of the Ohio co-operative topographic survey which comprises that information hitherto gathered by the survey and not published in map form, and covering the work of the survey from its inception to November 15, 1903.

That five copies of same be sent to each member of the general assembly, one hundred copies be sent to the state library, one hundred copies be sent to the governor or his representative on the survey, and the remaining copies be deposited with the secretary of state for future distribution, provided however that no more than fifteen hundred copies including those distributed to the governor, library, and members of the general assembly, be distributed the first year.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Adopted March 25, 1904.

43

[House Joint Resolution No. 8.]

JOINT RESOLUTION

For action of congress in the case of Moses J. Robertson.

WHEREAS, The said Moses J. Robertson's mother was a poor widow prior to and during the war of the rebellion, with three sons, to-wit: Henry Robertson, Moses J. Robertson and Samuel Robertson, and when the president called for three years' volunteers, the said three sons volunteered in the United States volunteer army, the said Moses J. Robertson and Samuel Robertson in company "G" 33rd regiment, O. V. I. on the 11th day of August, 1861, at Bourneville, Ross county, Ohio, and

WHEREAS, The said Samuel Robertson was on or about the — day of April, 1862, selected by Capt. Barger, of said company "G" by order of General O. M. Mitchell, division commander at Shelbyville, Tenn., as a member of J. J. Andrews, raiders, and while on said raid, was captured by the enemy and executed on the gallows at Atlanta, Ga., on the 18th day of June, 1862, by reason of which, caused the said mother to partially lose her mind, and

WHEREAS, The said Henry Robertson, who was a member of the 73rd regiment O. V. I. was afterwards honorably discharged from said regiment by reason of surgeon's certificate of disability, and afterwards died from the effects of said disability, and

WHEREAS, The said Moses J. Robertson of said company "G" 33rd regiment O. V. I., was on the 28th day of January, 1863, honorably discharged, at Louisville, Kentucky, by reason of surgeon's certificate of

disability, to-wit: typhoid pneumonia fever, and spinal irritation, resulting epilepsy, chronic bronchitis and total deafness of right ear, and has never been able to perform manual labor since he was discharged from the United States service, which is recorded in the office of the commissioner of pensions, Washington, D. C., and

WHEREAS, After all of said services rendered the government and suffering incident thereto, the said Moses J. Robertson was enrolled and drafted by mistake during the first draft of 1864 from a township and county, in the state of Ohio, where he had not been a resident of said township and county since the year 1857, but had been a resident of Ross county, Ohio, and by reason of his being drafted he was compelled to pay to B. F. Cory, United States provost marshal at Portsmouth, Ohio, the sum of three hundred dollars, commutation money, and

WHEREAS, The said Moses J. Robertson is the only honorably discharged soldier by reason of disability that was drafted and compelled to pay commutation, the commutation money so paid being more than he received for his service while in the army in said company and regiment, Therefore

Be it resolved by the General Assembly of the State of Ohio: That the congress of the United States be, and is hereby memorialized to take such action as will relieve said Moses J. Robertson and reimburse him, as asked for in a bill introduced in the house of representatives in the congress of the United States, by the Honorable Stephen Morgan, M. C., December 15th, 1903.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Approved March —, 1904.

44

[House Joint Resolution No. 38.]

JOINT RESOLUTION

Relative to making an appropriation for the erection of a suitable monument to commemorate the life and services of William H. Gibson.

WHEREAS: The citizens of Ohio and grand army posts have contributed the sum of about five thousand dollars (\$5,000.00) for the erection of a suitable monument to commemorate the life and services of the late William H. Gibson; and

WHEREAS: Said citizens desire to place said monument upon the court house square in the city of Tiffin; therefore,

Be it resolved by the General Assembly of the State of Ohio: That for the purpose of defraying the cost of the erection of said monument an appropriation of ten thousand dollars (\$10,000.00) is hereby recommended, payable out of the general revenue fund of the state not otherwise appropriated, on the condition that said citizens shall on or before June 1, 1904, further contribute such amount as shall be necessary to create a like sum of eight thousand dollars (\$8,000.00) for the purpose aforesaid.

That the location of said monument upon the said court house square shall be selected and approved by the governor, auditor of state and secretary of state.

That the plans and specifications for said monument be approved by the joint action of the governor, auditor of state and secretary of state, and a similar committee duly appointed by the citizens of Tiffin.

That the disbursement of the amount hereby recommended to be appropriated by the state shall be under the control and subject to the approval of the governor, auditor of state and secretary of state.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted March 31, 1904.

45

[House Joint Resolution No. 31.]

JOINT RESOLUTION

Relative to indorsement of bills in congress, relative to federal aid in good road building.

Be it resolved by the General Assembly of the State of Ohio: That we hereby indicate our approval of the bills now pending before the 58th national congress of the United States relating to the permanent improvement of the public highways and providing for national aid therefore,

Be it further resolved That we request our United States senators Foraker and Dick to use their influence in securing, if possible, a vote upon these measures during the present session of congress.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted April 5, 1904.

46

[House Joint Resolution No. 49.]

JOINT RESOLUTION

Relative to keeping the streets around the capitol grounds free from hacks, stands, etc.

Be it resolved by the General Assembly of the State of Ohio: That the adjutant general is hereby directed to co-operate with the city authorities of the city of Columbus, in removing from the sidewalks around the capitol grounds all stands for the sale of merchandise or otherwise, and keep the streets around said grounds free and clear from standing hacks, cabs, transfer wagons, delivery wagons and other vehicles.

HOLLIS C. JOHNSTON,

Speaker pro tem. of the House of Representatives.

GEO. H. CHAMBERLAIN,

President pro tem. of the Senate.

Adopted April 7, 1904.

47

[House Joint Resolution No. 53.]

JOINT RESOLUTION

Relative to commemorating the life of Hon. M. A. Hanna.

Be it resolved by the Senate and House of Representatives of the General Assembly of the State of Ohio: That the 76th general assembly hold a joint session on Wednesday, the 20th day of April, A. D. 1904, at 10:30 o'clock a. m., in commemoration of the life and public services of the late Marcus A. Hanna.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted April 15, 1904.

48

[House Joint Resolution No. 50.]

JOINT RESOLUTION

Relative to sine die adjournment.

Be it resolved by the General Assembly of the State of Ohio: That the seventy-sixth general assembly of Ohio adjourn sine die at 12 o'clock noon, Monday, April twenty-fifth, A. D.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted April 18, 1904.

49

[House Joint Resolution No. 59.]

JOINT RESOLUTION

That certain rooms in the capitol and judiciary buildings be and they are hereby assigned as follows.

Be it resolved by the General Assembly of the State of Ohio: That certain rooms in the capitol and judiciary buildings be and they are hereby assigned as follows:

CAPITOL BUILDING.

The room now occupied by the state commissioner of soldiers' claims, and east of the governor's office, is assigned to the governor.

The north room now occupied by the state inspector of mines is assigned to the state commissioner of soldiers' claims.

The south room now occupied by the state inspector of mines is assigned to the state board of arbitration and conciliation.

The rooms now occupied by the state commissioner of labor statistics shall be retained by that department.

JUDICIARY BUILDING.

The rooms now occupied by the state board of arbitration and conciliation with the room formerly so assigned are assigned to the state board of medical examination and registration and the state board of pharmacy.

The room now occupied by the state board of medical examination and registration and the state board of pharmacy is assigned to the state inspector of mines.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

W. G. HARDING,
President of the Senate.

Adopted April 25, 1904.

50

[House Joint Resolution No. 52.]

JOINT RESOLUTION

Providing for the republication of the annual volumes of the Ohio state archaeological and historical society.

WHEREAS: The Ohio state archæological and historical society owns the copyright, electrotype plates, engravings and all other apparatus and matter necessary and requisite for the publication of the annual volumes heretofore published by said society; and as said volumes contain articles and addresses upon the history, biography and archæology of Ohio by distinguished scholars and writers, the same being most valuable information of great interest and benefit to the people of Ohio, a large portion of which cannot be found in any other publication, and the same should be distributed in a proper manner among the colleges, public schools, libraries, and citizens thereof, therefore

Be it resolved by the General Assembly of the State of Ohio: That the Ohio state archæological and historical society be and is hereby directed and authorized to contract for the printing from said plates and engravings an edition of two thousand complete sets of the twelve annual volumes of the society, in the style and binding of the previous editions issued by said society, at an expense not to exceed the sum of seven thousand five hundred dollars.

Resolved: That when said edition of said volumes is printed and bound as aforesaid, the Ohio state archæological and historical society shall distribute and deliver to each member of the seventy-sixth general assembly, including the lieutenant governor, ten copies of each set, or ten sets boxing and delivery to be defrayed from the appropriation to said society; the remaining sets to be the property of the Ohio state archæological and historical society for the purposes of exchange and distribution to libraries and historical and literary societies.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

[Senate Joint Resolution No. 22.]

JOINT RESOLUTION

Relating to the creation of a depository for the library of the geological survey of Ohio.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That the state geologist is hereby authorized to enter into an agreement with the board of trustees of the Ohio state university by which the library of the Ohio state university is made the depository of the reports, books, pamphlets, maps and manuscripts, acquired by exchange or otherwise, which constitute the library of the geological survey of Ohio; said agreement shall provide for the marking, accessioning, cataloguing, shelving, and ordinary care of said library; the terms upon which said library of the survey shall be available to the use of the students and faculty of the university; the terms upon which the library of the university shall be available for the use of the staff of the survey; and such other matters as the mutual interests and advantage of the two organizations may suggest; provided, that the state geologist shall have no power to permanently transfer the right and title to said library of the survey to the Ohio state university, and also that any agreement made shall be without monetary consideration on either side.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Passed April 25, 1904.

52

[House Joint Resolution No. 47.]

JOINT RESOLUTION

Relative to the payment of the salary of William Johnson, deceased.

Be it resolved by the General Assembly of the State of Ohio: That the speaker be, and he is hereby directed to issue his warrant upon the auditor of state for the sum of six hundred dollars in favor of Mrs. William Johnson, widow of William Johnson, late deceased member of the house of representatives of the 73rd general assembly, as a salary for the balance of his unexpired term.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

Adopted April 25, 1904.

53

[House Joint Resolution No. 58.]

JOINT RESOLUTION

Relative to distribution of copies of the report of the Shiloh battlefield commission.

WHEREAS, There is now in possession of the adjutant general of the state of Ohio, for distribution, copies of the report of the Shiloh battlefield commission, therefore

Be it resolved by the General Assembly of the State of Ohio: That the adjutant general be, and is hereby directed to distribute said copies of said report as follows, to-wit:

To the governor of Ohio ten copies; to the Ohio state library, for exchange, fifty copies; to each member of the seventy-sixth general assembly, eight (8) copies. The remaining copies to be equally distributed to the Ohio organizations that have a monument on Shiloh battlefield, erected by the state of Ohio, so that each soldier that participated in said battle, or his nearest relative may receive a copy of said report.

GEORGE T. THOMAS,

Speaker of the House of Representatives.

W. G. HARDING,

President of the Senate.

54

[Senate Joint Resolution No. 28.]

JOINT RESOLUTION

A resolution calling the attention of the congress of the United States to a former military company in Ohio known as the Dayton Zouave Rangers.

WHEREAS, A certain military company was organized at Dayton in this state at the commencement of the war of the rebellion, under the name of the Dayton Zouave Rangers, which offered its services in April, 1861, to the United States government for a term of three months;

WHEREAS, Such offer of said company was accepted by the United States government authorities, and on or about the 26th day of April, 1861, said company was placed on duty at Camp Jackson with its officers and men, doing guard and patrol service at said camp, and at the state arsenal; and later was at Camp Chase in said state for a period of about six weeks, being ordered therefrom to protect the railroad running between Cincinnati and Marietta which transported soldiers and military supplies to eastern armies, along which line said company was on duty for a period of six weeks, thus completing the three months' term of service, and said company thence returning to Dayton, Ohio;

WHEREAS, The state of Ohio issued rations to and paid the members of said company of Dayton Zouave Rangers during the time they were thus engaged, as above recited, and said company rendered valuable, faithful and efficient service without having been regularly mustered into the military service of the United States; and

WHEREAS, The surviving members of said company, it is believed, in every way, earned the right and should be legally entitled to enrollment as volunteer soldiers of the United States on an equal footing as to honors and benefits with other volunteers of like term of service; therefore,

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That it is the sense of the general assembly of Ohio, that the members of the military company, known as the Dayton Zouave Rangers, which did military service at the beginning of the war of the rebellion, be accorded the same rights, privileges and honors as regular enlisted volunteer soldiers, for services rendered by said company in said war, and as will accomplish their enrollment on the records of the war department at Washington.

SECTION 2. That the senate and members of the house of representatives of Ohio in the congress of the United States, be, and they are hereby requested to use their influence to have such action taken by the congress as will secure for said company of Dayton Zouave Rangers, the recognition mentioned in section 1 of this resolution.

SECTION 3. That the secretary of state of Ohio be, and he is hereby directed to transmit copies of this resolution to the house and senate of the United States, and copies to the senators and representatives from Ohio in the congress.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

55

[House Joint Resolution No. 60.]

JOINT RESOLUTION

Relative to the location for a hospital for the insane.

Be it resolved by the General Assembly of the State of Ohio: That the governor of Ohio appoint a committee of five, not more than three of whom shall belong to any one political party, to investigate a location and if possible secure an option on land suitable for a hospital for the insane and report to the next general assembly.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
 W. G. HARDING,
President of the Senate.

Adopted April 25, 1904.

56

[Senate Joint Resolution No. 27.]

JOINT RESOLUTION

Relative to the erection of a suitable memorial at Fort Meigs, Ohio.

WHEREAS, In February, 1813, General William Henry Harrison constructed Fort Meigs on the bank of the Maumee river in Wood county, state of Ohio, to be the grand bulwark of defense for the thousands of square miles of territory lying between the Ohio river and the great lakes, against the British and Indian forces; and,

WHEREAS, Said fort was the scene of illustrious deeds of daring and valor by brave sons of Kentucky, Virginia, Ohio and other states, in the war of 1812, and proved to be the effective and final stronghold for the American army in rescuing the Northwest territory forever from British rule, and re-dedicating it to the principles of freedom embodied in the ordinance of 1787, and,

WHEREAS, Said fort and the land on which it was built are now owned by a patriotic association to be held for memorial purposes; therefore,

Be it resolved by the General Assembly of the State of Ohio: That, for the purpose of the erection of a suitable memorial at said Fort Meigs, as the state's tribute to the deeds of heroism there enacted by American soldiers, an appropriation of twenty-five thousand dollars, (\$25,000.00) is hereby recommended, payable on or after February 15th, 1905, out of the general revenues of the state not otherwise appropriated;

That the governor of the state appoint a commission of three persons to serve without compensation, which shall be empowered to determine the character of the memorial structure, to accept a site therefor which shall be donated and deeded to the state, to select the plans and specifications therefor, and to supervise its construction;

That the disbursement of the amount hereby recommended to be appropriated shall be under the control and subject to the approval of the governor of the state.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
W. G. HARDING,
President of the Senate.

Passed April 25, 1904.

57
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[House Joint Resolution No. 19.]

JOINT RESOLUTION

To amend section two of article XII of the constitution of Ohio.

Be it resolved by the General Assembly of the State of Ohio:

SECTION I. That a proposition shall be submitted to the electors of the state of Ohio, on the first Tuesday after the first Monday in November, 1905, to amend section two of article XII of the constitution of the state of Ohio, so that it shall read as follows:

ARTICLE XII.

Finance and Taxation.

Sec. 2. Laws shall be passed, taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money, excepting bonds of the state of Ohio, bonds of any city, village, hamlet, county, or township in this state, and bonds issued in behalf of the public schools of Ohio and the means of instruction in connection therewith, which bonds shall be exempt from taxation; but burying grounds, public schoolhouses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property, to an amount not exceeding in value two hundred dollars, for each individual, may, by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published as may be directed by law.

SECTION 2. At such election those electors desiring to vote for such amendment may have placed upon their ballots the words, (Exemption of state and municipal bonds from) "Taxation amendments, yes;" and those opposed to such amendment may have placed upon their ballots the words, ("Exemption of state and municipal bonds from) "Taxation amendment, no."

SECTION 3. This amendment shall be in force and take effect on and after the first day of January, 1906.

GEORGE T. THOMAS,
Speaker of the House of Representatives.

Adopted April 25, 1904.

W. G. HARDING.
President of the Senate.

58

[House Joint Resolution No. 44.]

JOINT RESOLUTION

Providing for the publication of the volume of proceedings of the Ohio centennial at Chillicothe.

WHEREAS, The Ohio state archæological and historical society owns the copyright, electrotype plates, engravings, and all other apparatus and material necessary and requisite for the publication of the volume of the proceedings of the Ohio centennial celebration held at Chillicothe May 20th and 21st, 1903; and as such volume contains the addresses and speeches of many distinguished Ohioans on every phase of Ohio's origin, growth and history, the same being much valuable information of great interest and benefit to the people of Ohio and the same should be distributed in a proper manner among the colleges, public schools, libraries, and citizens thereof; therefore;

Be it resolved by the General Assembly of the State of Ohio: That the Ohio state archæological and historical society be and is hereby directed and authorized to contract at an expense not to exceed fifty cents per volume, for the printing from said plates and engravings an edition of ten thousand of said volume of the style and binding of the edition first issued by said society.

Resolved; That when said edition of said volume is printed and bound, as aforesaid, the Ohio state archæological and historical society shall make the following disposal and distribution thereof; to the state library for exchange, fifty copies; to each member of the 76th general assembly and the lieutenant governor, sixty-five copies, boxing and delivery to be defrayed from the appropriation to said society; to each clerk of said general assembly three copies; and to each officer and legislative correspondent one copy; the remaining copies to be the property of the Ohio state archæological and historical society for the purpose of exchange and distribution to libraries and historical and literary societies.

HOLLIS C. JOHNSTON,
Speaker pro tem. of the House of Representatives.

Adopted April 22, 1904.

W. G. HARDING.
President of the Senate.

59

STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, LEWIS C. LAYLIN, secretary of state of the state of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said state, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-sixth general assembly of the state of Ohio, at its regular session, begun January 4, 1904, and ended April 25, 1904, and held in the city of Columbus.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 19th day of July, A. D. 1904.

LEWIS C. LAYLIN,
Secretary of State.

[Seal.]

**TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS
OF COMMON PLEAS IN OHIO IN 1904.**

Counties.	County Seats.	Circuit.	Circuit Courts.	District.	Sub-Division.	Courts of Common Pleas.
Adams	West Union	4	Apr. 6, Nov. 18..	7	2	Jan. 4, April 11, Sept. 26.
Allen	Lima	3	Mch. 29, Nov. 15.	2	1	Jan. 13, Apr. 25, Oct. 3.
Ashland	Ashland	5	May 2, Nov. 15..	6	2	Feb. 15, May 18, Nov. 14.
Ashtabula	Jefferson	7	Jan. 15, Sept. 5..	9	3	Jan. 4, Apr. 4, Sept. 19.
Athens	Athens	4	Jan. 26, Sept. 27.	7	3	Feb. 1, Apr. 25, Nov. 7.
Auglaize	Wapakoneta	3	Apr. 12, Nov. 22.	2	1	Jan. 11, Apr. 18, Oct. 10.
Belmont	St. Clairsville	7	June 1, Dec. 12..	8	2	Jan. 12, Apr. 12, Oct. 4.
Brown	Georgetown	4	Apr. 12, Nov. 22.	5	1	Jan. 11, Apr. 11, Oct. 11.
Butler	Hamilton	1	Apr. 5, Oct. 10..	2	1	Jan. 4, May 2, Oct. 3.
Carroll	Carrollton	7	Apr. 11, Oct. 31.	9	1	Jan. 18, May 18, Sept. 26.
Champaign	Urbana	2	Apr. 11, Nov. 14.	3	2	Jan. 4, May 2, Oct. 2.
Clark	Springfield	3	May 2, Dec. 5....	2	2	Jan. 4, May 2, Oct. 3.
Clermont	Batavia	1	Mch. 28, Oct. 3..	5	1	Jan. 12, Apr. 19, Oct. 18.
Clinton	Wilmington	1	Apr. 25, Oct. 31.	2	2	Jan. 4, May 2, Oct. 3.
Columbiana	Lisbon	7	Mch. 28, Oct. 24.	9	1	Jan. 18, Apr. 11, Sept. 26.
Coshocton	Coshocton	5	May 10, Nov. 1..	6	3	Jan. 4, Apr. 11, Oct. 17.
Crawford	Bucyrus	3	Jan. 19, Sept. 27.	10	2	Feb. 8, May 2, Oct. 24.
Cuyahoga	Cleveland	8	Jan. 4, Oct. 17..	4	3	Jan. 4, April 5, July 5, Sept. 19.
Darke	Greenville	2	Apr. 18, Nov. 21.	2	2	Jan. 4, May 2, Oct. 3.
Defiance	Defiance	3	Mch. 8, Oct. 25..	3	2	Mch. 7, June 6, Nov. 14.
Delaware	Delaware	5	June 14, Dec. 20.	6	1	Jan. 4, Apr. 4, Sept. 12.
Erie	Sandusky	6	Mch. 14, Sept. 13.	4	1	Jan. 4, Apr. 11, Sept. 19.
Fairfield	Wanaster	5	Jan. 5, Sept. 21..	7	1	Jan. 18, Apr. 18, Oct. 18.
Fayette	Langston C. H.	2	Apr. 25, Nov. 28.	5	2	Jan. 11, Apr. 11, Oct. 10.
Franklin	Columbus	2	Jan. 4, Sept. 19..	5	2	Jan. 4, April 18, Sept. 12.
Fulton	Wauseon	6	Apr. 27, Nov. 30.	3	2	Feb. 15, May 9, Oct. 24.
Gallia	Gallipolis	4	Mch. 1, Oct. 25..	7	3	Jan. 5, Apr. 5, Sept. 27.
Geauga	Chardon	7	Feb. 8, Sept. 19..	9	3	Jan. 4, Apr. 4, Sept. 19.
Greene	Xenia	2	Mch. 21, Oct. 24.	2	2	Jan. 4, May 2, Oct. 3.
Guernsey	Cambridge	7	Apr. 18, Nov. 7..	8	1	Feb. 1, May 2, Oct. 3.
Hamilton	Cincinnati	1	Jan. 4, Nov. 7....	1	Jan. 4, Apr. 4, July 4, Oct. 3.
Hancock	Findlay	3	May 10, Dec. 13.	10	1	Jan. 4, Apr. 4, Sept. 12.
Hardin	Kenton	3	Feb. 9, Oct. 6....	10	1	Jan. 4, Apr. 4, Sept. 12.
Harrison	Cadiz	7	May 9, Nov. 23..	8	2	Feb. 2, May 16, Oct. 31.
Henry	Napoleon	3	Feb. 23, Oct. 18..	3	2	Mch. 14, June 6, Nov. 21.
Highland	Hillsboro	4	Apr. 20, Nov. 29.	5	2	Jan. 18, Apr. 11, Oct. 10.
Hocking	Logan	4	Feb. 9, Oct. 4....	7	1	Jan. 4, Apr. 11, Sept. 12.
Holmes	Millersburg	5	May 17, Nov. 23.	6	3	Feb. 1, May 2, Sept. 19.
Huron	Norwalk	6	Mch. 28, Nov. 9..	4	1	Jan. 4, Apr. 11, Oct. 3.
Jackson	Jackson	4	May 31, Dec. 15..	7	2	Feb. 16, May 3, Oct. 26.
Jefferson	Staubenville	7	May 16, Dec. 5..	8	3	Jan. 11, Apr. 4, Sept. 19.
Knox	Mt. Vernon	5	Mch. 15, Oct. 11..	6	1	Feb. 8, May 9, Nov. 14.
Lake	Painesville	7	Feb. 1, Sept. 12..	9	3	Feb. 8, May 9, Oct. 24.
Lawrence	Newark	4	Mch. 8, Nov. 1....	7	2	Feb. 16, May 3, Oct. 11.
Licking	Bellefontaine	5	Mch. 22, Oct. 18.	6	1	Jan. 4, Apr. 4, Sept. 19.
Logan	Elyria	3	Feb. 16, Oct. 11..	10	3	Feb. 1, May 2, Nov. 14.
Lorain	Toledo	8	Apr. 25, Oct. 3..	4	2	Jan. 11, May 2, Oct. 17.
Lucas	London	6	Jan. 4, Sept. 19..	4	1	Jan. 4, Apr. 5, Sept. 26.
Madison	London	2	Mch. 28, Oct. 31.	5	2	Feb. 15, May 16, Nov. 21.
Mahoning	Youngstown	7	Mch. 7, Oct. 10..	9	2	Jan. 11, May 2, Sept. 12.
Marion	Marion	3	Jan. 12, Sept. 20.	10	2	Jan. 25, May 16, Oct. 24.
Medina	Medina	8	May 2, Oct. 10..	4	2	Jan. 11, Apr. 11, Sept. 19.
Meigs	Pomeroy	4	Feb. 23, Oct. 18.	7	3	Jan. 4, Apr. 5, Sept. 26.
Mercer	Celina	3	Apr. 19, Nov. 29.	3	1	Jan. 18, Apr. 11, Oct. 3.
Miami	Troy	2	Apr. 5, Nov. 7....	2	2	Jan. 4, May 2, Oct. 3.
Monroe	Woodsfield	7	May 2, Nov. 21..	7	3	Jan. 5, Apr. 5, Sept. 27.
Montgomery	Dayton	2	May 16, Dec. 12.	3	2	Jan. 4, May 2, Oct. 3.
Morgan	McConnelsville	5	Apr. 19, Nov. 29.	8	1	Jan. 12, Apr. 11, Oct. 4.
Morrow	Mt. Gilead	5	June 7, Dec. 12..	6	2	Jan. 18, Apr. 18, Oct. 10.
Muskingum	Zanesville	5	Apr. 12, Oct. 26.	8	1	Jan. 11, Apr. 5, Oct. 3.
Noble	Caldwell	7	Apr. 26, Nov. 14.	8	1	Jan. 4, Apr. 5, Sept. 12.
Ottawa	Pt. Clinton	6	May 16, Dec. 19..	4	1	Feb. 22, June 13, Nov. 14.
Paulding	Paulding	3	Mch. 1, Oct. 20..	2	2	Jan. 11, Apr. 11, Sept. 12.
Perry	New Lexington	5	Apr. 26, Nov. 8..	7	1	Feb. 8, May 9, Nov. 14.
Pickaway	Circleville	4	Apr. 26, Dec. 1..	5	2	Jan. 11, Apr. 11, Oct. 10.
Pike	Waverly	4	May 24, Dec. 13.	7	2	Jan. 4, Apr. 5, Sept. 26.
Portage	Ravenna	7	Feb. 15, Sept. 26.	9	2	Jan. 4, Apr. 4, Sept. 5.
Preble	Eaton	2	Apr. 14, Nov. 17.	2	2	Jan. 4, May 2, Oct. 3.
Putnam	Ottawa	8	Mch. 18, Nov. 1..	8	3	Jan. 11, Apr. 11, Sept. 19.

TIMES FOR HOLDING THE CIRCUIT COURTS, ETC.—Concluded.

Counties.	County Seats.	Circuit.	Circuit Courts.	District.	Sub-Division.	Courts of Common Pleas.
Richland	Mansfield	5	Jan. 12, Sept. 6..	6	2	Mch. 14, Sept. 19, Dec. 5.
Ross	Chillicothe	4	May 10, Dec. 6...	5	2	Jan. 11, Apr. 18, Oct. 17.
Sandusky	Fremont	6	May 2, Dec. 5...	4	1	Jan. 4, Apr. 11, Oct. 3.
Scioto	Portsmouth	4	Mch. 22, Nov. 9..	7	2	Jan. 11, Apr. 18, Sept. 24.
Seneca	Tiffin	2	Apr. 26, Dec. 6...	10	1	Feb. 1, Apr. 18, Oct. 10.
Shelby	Sidney	2	Mch. 30, Nov. 2...	3	1	Mch. 7, May 23, Nov. 23.
Stark	Canton	5	Feb. 23, Oct. 4...	9	1	Jan. 11, May 2, Sept. 12.
Summit	Akron	8	Apr. 11, Sept. 21.	4	2	Jan. 11, May 2, Oct. 3.
Trumbull	Warren	7	Feb. 23, Oct. 3...	9	2	Jan. 11, May 2, Sept. 26.
Tuscarawas	N. Philadelphia...	5	May 24, Dec. 6...	8	2	Jan. 4, Mch. 21, Sept. 12.
Union	Marysville	2	Feb. 2, Oct. 4...	10	3	Jan. 4, Mch. 21, Sept. 19.
Van Wert	Van Wert	2	Mch. 22, Nov. 9..	3	1	Feb. 23, May 23, Nov. 14.
Vinton	McArthur	4	Feb. 16, Oct. 11.	7	2	Feb. 9, May 3, Oct. 18.
Warren	Lebanon	1	Apr. 18, Oct. 24.	2	2	Jan. 4, May 2, Oct. 3.
Washington	Marietta	4	Jan. 12, Sept. 21.	7	3	Feb. 2, Apr. 26, Oct. 25.
Wayne	Wooster	5	Feb. 9, Sept. 27.	6	2	Jan. 4, Apr. 11, Sept. 12.
Williams	Bryan	6	Apr. 26, Nov. 23.	3	2	Feb. 8, May 9, Oct. 10.
Wood	Bowling Green...	6	Apr. 11, Nov. 17.	10	1	Jan. 4, Apr. 4, Sept. 12.
Wyandot	Upper Sandusky.	3	Jan. 5, Sept. 13..	10	2	Jan. 18, Apr. 4, Sept. 12.

THE STATE OF OHIO,

Office of the Secretary of State. }

I, Lewis C. Laylin, Secretary of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1904, taken from the official lists returned by the judges of said courts to this office.

Witness my hand and official seal, this 21st day of November, A. D. 1903.

LEWIS C. LAYLIN,
Secretary of State.

[Seal.]

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